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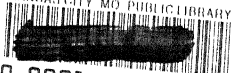


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STONE DAUGHERTY



STONE DAUGHERTY

BY JOHN P. FORT

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By JOHN P. FORT

“As the smallest grain of dust is bound up with our entire solar system . . . so all beings, from the humblest to the highest, from the first origins of life to the time in which we are, and in all places as in all times, do but evidence a single impulsion. All the living hold together, and all yield to the same tremendous urge. The animal takes its stand on the plant, man bestrides animality and the whole of humanity, in space and in time, is one immense army galloping beside and before and behind each of us in an overwhelming charge, able to beat down every resistance and clear the most formidable obstacles, perhaps even death.”

BERGSON (Creative Evolution)

In the Nature of a Preface

It is difficult to take leave of a book and it is dangerous for that leave-taking to be said aloud. It has, or should have, a voice for its own speaking, its sentences tied, its spelling in order, its clothes pinned together with commas. If one has anything to say, why does he not put it into the mouth of his creature? Why does it need a footman for its introduction? If it is too voiceless it is perhaps uncouth and not mannerly.

This book is written of very poor people in the early days of Tennessee. In it, there are no fictional philosophers with leisure to expound their doctrines, to explain people to themselves. It is an uncouth thing, intent upon the business of living, its people even without knowledge of their own historical setting. Here, then, are brief words to run before or to run after it, dependent entirely upon how one likes introductions.

King James I in his devout zeal to make Ireland Protestant, indirectly peopled not only East Tennessee but most of Southern Appalachia

with the Scotch-Irish pioneers of whom this book is written. In furtherance of his ambition, he had caused to be transported from Scotland a number of obdurate Calvinists and set them in Ulster where they might increase and multiply in numbers and so serve in the spread of the faith. They were a poor people, so they multiplied rapidly but were nevertheless exceedingly unhappy. So soon as they could leave Ireland, they came to America and settled in western Pennsylvania. Later, because the thrifty Germans and the Quakers who had preceded them gave them no elbow room, they flowed into the mountains of Virginia, North Carolina, Kentucky, Georgia and what is now East Tennessee and were again busy at their multiplying, though they had forgotten Calvinism. It is probable that in mountains, they may have seen a return to their own native Scotland or a complete separation from the mandates of kings. Perhaps they breathed a sigh of contentment. Perhaps they did not, for these same Scotch-Irish, tenacious, indefatigable, were too busy with living to express themselves with audible sighing.

Life is an opportunist. A tough, wiry and withal distressed people, rejoicing to be away from a vociferous world, came into stillness. With the capacity to endure, they came to an environment where it took "guts" to survive, the word being used here as denominative of the highest virtues. Life around them was grave, determined, at times cruel; so were they. Mountains shut the lips of men. The Scotch-Irish had no need for words. If one is close to the earth, close to the ceaseless, desperate effort of life to adjust itself to things, there is little of art, much of silence and an exceeding tenacity. A very serious and a blessedly tough people took root in Southern Appalachia.

This book is written of the Scotch-Irish and it is written of early Tennessee. Most emphatically, it is not an historical novel although it is not wholly fictional. One dares not serve in the introduction of anything which may provoke needless hostility and there are many who resent even fictional intrusions into the past. There are pages from Tennessee history and even Tennessee law reports which give it structure.

"Stone Daugherty" for introductory purposes

might well be called the biography of an unknown man. If life ultimately achieves rest for a moment or if men ever get freedom from life, one, or both of them, will shout with echoing laughter at the dividing line that has been man-made between the important and the unimportant, the known and the unknown, the virtuous and the bad. Who shall differentiate between the important and the unimportant in life when it is of one impetus—one insatiable drive in a myriad forms shaped to the exigencies of the moment? This man, Stone Daugherty, imprisoned in an environment which is essentially different from our own, a man dead for more than an hundred years, is, nevertheless, one with all other human beings, all plants, all animals—one with all the living and the dead in a manifestation of life—one with the past, the present and the future which merge together and are, even in human beings, but an illustration of the apparent law of life which is concerned in the catching of energy, its storage and its release.

The book is concerned with the tenacity of life against a severe background. Energy in Stone Daugherty and those around him flowed out in

bursts, savage, unheeding of consequence except as to individual survival. It took this character of energy in the time in which he was environed, and the type that he represented was of importance. His words are crude. They are mannerisms of a period shaped to needs. I hope that one will not be conscious that this book is written in dialect.

The tenacity of life! Human beings are the material of its finest and its best adjusted experiments. Perhaps some day these humans will surmount life altogether, perhaps even now they overcome life in the heaven of which they dream. Their egotism, their daring to imagine their separation, the worthwhileness of their own personalities, are in themselves worthy gestures. They may or may not lead to something.

Here then is a book, "Stone Daugherty." It is of him and it is not of him, except as he is part of life. It is of pioneer Tennessee and it is not altogether of pioneer Tennessee. This is enough to have said about a book which should speak for itself.

JOHN P. FORT

Chattanooga, Tennessee,
January 1st, 1929.

In the month of October, 1802

A BARE-LEGGED girl of fourteen in a torn dress of homespun stooped to a spring and brought up a dripping bucket of water. She lifted the heavy, wooden bucket easily and without obvious physical effort. Of sturdy figure, her cheek bones were high, her complexion ruddy with a "set" to her chin and the lines of her mouth as if living were a problem to be mastered. There was about her an air of abundant energy, "a peart young-un to work"—an air which was quickly belied by the expression of her eyes, which, in sharp contrast to her resolute mouth, held deep-hidden memories of fright that she vainly sought to hide. Eyes which said, "there is nothing to be afraid of and yet I am afraid." It is doubtful if she ever laughed.

The spring from which she lifted the bucket of water was almost completely hidden by a dense mass of undergrowth and high-growing ferns, browned with frost. Though it was full "hour by sun," as the people of her small world spoke of late afternoon, it was already gloomy

and dark in the recesses of the underbrush; one would easily sense that somewhere high mountains shut off the direct rays of the sun. Following a dim trail which led from the spring the girl with the bucket of water came to the edge of a clearing and stopped.

Her stopping was entirely a matter of habit and was as instinctive with her as is the momentary pause of an animal which ventures from a place of safety in the woods to the exposure of a field. Without giving it any conscious thought whatsoever, she listened for unfamiliar sounds and with one swift glance assured herself of the details before her.

Set on a small knoll in the clearing was a one-roomed cabin made of logs and chinked with mud. Its roof was of clapboards, hand-hewn from the neighboring forest. There were no windows except a small opening cut high by the side of the roughly-shaped stone chimney. Always there was a thin, blue spiral of smoke which curled from that chimney—a spiral that was soon visually lost in the damp fogs of spring, the blustering winds of winter. Yet it was this same blue spiral of constant smoke that

marked this desolate cabin as the habitation of man and whose drifting odor kept the night-prowlers high on the ridges.

The irregular clearing followed the course of a small stream—a clearing that ended in forest, as it began in forest—a poorly tended field, unfenced, littered with fallen trees. There were no doorsteps to the cabin except a fallen log which had its top surface squared. The heavy front door was shut, giving the ominous impression of being barred from within. There could be the crack of a rifle from that solitary little opening by the chimney or through the spaces between the logs. One would not have knocked on the heavy door without first hallooing and showing himself in the clearing at the front. A place to be avoided unless one were known and expected. It was "Daugherty's Cove," and so the timber men would call it for a hundred years afterward, though none would remember why. To them there would be only a mound of stones where the cabin had once stood, a thick growth of pines and brambles in the vanished clearing—that, and his name which still lingered, was all that Stone Daugherty, who built the house and

made the clearing, would have in the memory of men.

The girl, Jane Daugherty, stopped in the shelter of the spring thicket for only the briefest of glances but it was minute enough to note the presence of a red-tailed hawk which had freshly perched on the limb of a tree not far from the house, though she gave that new presence no articulate voicing in her brain. She thought in pictures, each tiny, changed detail being compared like photographs. If there were change of importance, then only would it be brought up into consciousness or translated into action. To her, the hawk was there where it had not been when she went into the thicket.

Her steps quickened, for Jane Daugherty was expecting her father, Stone Daugherty. He had left her with the barest of words that "he'd be back nigh to sundown in two days." Food must be ready for him. There had been times when, from lack of understanding of his brief commands, she had failed to do things that he had expected. Thoughts only partially reached fruition in her mind but her steps quickened from half-formed memories—fleeting pictures of her

father's face as he had stormed at her for being a "lazy little hussy." Though they might have been only the briefest of memories, yet they accentuated, more than ever, the curious, frightened look in her eyes.

Jane Daugherty came to the back of the house where she set the bucket inside the door, took the heavy axe and split some kindling-wood, the sound echoing in the damp air to the tops of the ridges and stopping for a moment the noisy chattering of the squirrels. Afterward she went inside, put some fresh wood on the smouldering fire and blew it until it caught into a blaze. With her hands she moulded some corn meal into pones which she put in the ashes in the corner of the great fireplace; stirred a pot of stewing pork, and beans that had been dried in the pod. Stone Daugherty, if he came back as he said he would, would at least find food ready for his voracious appetite.

It was nearly dark and mist crept up the hollow so that it shrouded the trees on the hill-sides. It made a silent, gray world; only the little stream which ran near the house gurgled peacefully. Once a turkey, far-up on the top of

a ridge, gobbled heroically and then suddenly stopped as if it were afraid of the echoing and betraying panic of its own voice.

There were words which came through the shrouding, gray mist. Jane Daugherty recognized the low mumble of her father's voice. There were two men coming through the clearing for there was high-pitched cackle of strange laughter which hushed almost as suddenly as the gobbling of the turkey. The wilderness and the gray fog decreed silence.

Because there were two voices, there was sudden panic in the mind of Jane Daugherty, so that the color left her cheeks. A quick spasm of fear that she did not have enough food shook her, with a flash of thought that she herself would eat nothing, and the steps were at the door.

Though she was quite sure that it was her father, Jane Daugherty did not take down the heavy bar until he called to her. She had been told that only once but it was not a thing to be lightly forgotten. "You, Jane." His hand shook the latch even as she took down the bar. It was not good to keep Stone Daugherty waiting.

Two men came stooping through the low doorway. The first one was her father and Jane Daugherty shrunk back against the wall, glad that he ignored her; glad that he gave her no further word. After him came a stranger to whose sacred masculine presence Jane Daugherty gave no second look. Men were the lords of her world and hers the duty of serving them in humble obedience and without curiosity.

Stone Daugherty moved in long strides to the fireplace where he hung his flintlock and shot pouch on a buckhorn rack. His steps were unsteady and his daughter, sensing it even before she saw his stumbling awkwardness, knew that he had been drinking. She would keep out of the way as much as possible, would give them food with as little delay as possible, would try and not let them know that she even existed.

Without a word she fetched the only two chairs that were in the house and put them in front of the fire. It was needless for her father to tell her to do that. It was needless for him to dignify her with attention.

Stone Daugherty stretched his legs out to the fire. A great, awkward figure of a man in

frayed, evil-smelling buckskin. His long arms hung by his side as if he were always conscious of them and of his massive hands which he was constantly twisting in a nervous gesture. Thick of chest, lean of flank, there was no question of his power or of his rugged endurance; no question that if once his arms closed around an antagonist there would be difficulty of escape from his devastating strength. He gave impression of slumbering ferocity by his voice which was, except in rare moods, harsh and domineering as if he were eager to turn it to deadly threat. A swaggerer with a "chip on his shoulder." A big boy who bullied little ones and who left nothing undone to prove before a word was said that he was a menace and a danger. And yet there were times when Stone Daugherty could not manage to ward off opposition. There were men, quiet-voiced men, who either ignored him or else laughed at him, seeming to look through his outer shell and find inside nothing to "get het up about." His head was small with a long scar running diagonally across his face—to mention it was the surest way of rousing his storming anger. His tangled mass of beard was streaked with

gray, his eyes small, too close together, bloodshot when paroxysms of rage shook him. He would "take it out" on inanimate objects, the unmerciful beating of an animal, quite as a spoiled child would react by pounding on a stubborn toy.

At least that was the Stone Daugherty that his daughter knew. When liquor had him in the company of men he was given to bragging and so long as he could hold the center of attention was content though he was "techous" to a fault and would leave if he were ignored. An inordinately powerful man, flaring into quick rage or sulking like a child. Of all living souls, his daughter Jane alone knew that he was near to insanity.

As for the stranger, Jane Daugherty did not once fairly look at him. He wore exceedingly dilapidated boots, a soiled, store-bought shirt which reeked of dried sweat. His appetite was as great as that of her father and his apparent indifference to her complete.

As unobtrusively and as quickly as she could, Jane Daugherty gave them food on the boards which served for a table, pouring the stew into pewter plates, the men eating the meat with

their fingers and drinking the juice from the side of the dishes. After they had finished she took what scraps were left and ate them in the back of the room, looking timidly at the two men who sat in silence in front of the fire. Any stranger, even one who ignored her, was absorbingly interesting.

There was no doubt that this man would spend the night. Jane Daugherty, in a shadowed corner of the room, slipped off her torn homespun dress. She was quite sure that when he got up with the low-voiced, timely comment, that he, "wanted to git a sup o' water," he really wanted to look at her. She was suddenly conscious of her single, frayed undergarment and of her bared breasts so that she shrank against the wall. Her father, his back turned, sneered contemptuously. "Hell, she ain't nothin' to look at, Will Dodge. Mind ye, no prowlin' arter ye is to bed." Jane Daugherty's face flushed and for the moment her eyes lost their frightened look. Twice she almost dared to speak but checked herself with an effort and lay down on a pallet which she had fixed on the floor. If there were shamed tears, she alone knew them.

Jane Daugherty was awakened by the crash of an overturned chair. Her father was standing in front of the fire, his face toward her, his eyes bloodshot. "To Hell with this mouthin' agin me. There ain't none o' them got guts to say a word in front o' me. I'm sick o' their jawin'. The next 'un I hears on, I aims to drill him." His hands made unconscious gesture toward the flintlock above the fireplace. His daughter watched, wide-awake and terrified. She had reason to fear Stone Daugherty's drunken and unchecked rage.

The visitor's back was turned toward her, his words thick and mumbling. Men whom her father dominated never dared to answer him in kind, never met his storming anger except with submissiveness. "A body can't live in these parts and not have enemies what'll talk agin him."

The violence of Stone Daugherty's rage was lessening and he sat down in the chair which he righted before the fire, his tone sullen, in quick shifting of mood. "They can rot in Hell for all o' me. I ain't skeered o' their gabbin'. Talkin' by the likes o' them ain't brung me no hurt."

"Hit ain't none o' my bother." Will Dodge

raised the jug and shook it with an unsteady hand as if he measured its contents. "I'm jest tellin' ye what I heered. That John Semple were 'round Jacksboro fer nigh to a week. Hurt or no he kept on a-mouthin' that he were comin' down and shoot ye."

Stone Daugherty took the jug away from him with a savage jerk. "Hit ain't nothin' on-natural if he do make a show fer tryin'. I been hounded and dogged afore this. I been hounded and dogged by one wussen him for nigh onto thirteen year and hit weren't none o' my doin' then, more'n a man takin' care o' hisself and his own. I been hounded by them that talks and them that says nothin'. I ain't never sure I won't git a ball in the back. I got one more'n this here John Semple that's allus a-trailin' me—another sneakin', back-shootin' dog that I 'ain't skeered on." In spite of Stone Daugherty's huge bulk, his harsh dominant voice, even the drunken Will Dodge felt that he was afraid.

"Ye ain't skeered o' Semple, is ye?"

The question was tinder for Stone Daugherty's anger. He rose to his feet. Drunk or sober, Stone Daugherty never quite forgot that his

towering height showed his anger better. Men, and even his daughter Jane, were more awed by him when he was on his feet, when his shoulders lurched and his hands twisted. "Skeered on him? E'God, I ain't skeered o' him nor the tother 'un. I ain't skeered o' both o' them 'twunst. I ain't skeered o' no two men on the yearth if I can git a bead on 'em. Skeered o' Semple?" He reached again toward his flintlock. "I got a half-a-mind to go over to Long's placet and drag him outen his bed and stomp his guts out. I can git one o' the two enemies I got. E'God, one o' the two—"

In tremulous panic, Jane Daugherty covered her head with a blanket, shutting out his words, shutting out the rising tide of his drunkenness. Long, long afterward when the room was still, she crept from the pallet on the floor and covered the fire with ashes, not daring to glance at the two men who were stretched out on the bed, breathing deeply.

A stomach breaking down the stored energy of sowbelly and cornbread—a brain befuddled with whiskey—matted beard, great arms that

lay for the moment still. A dirty, evil-smelling human being who had drunkenly mouthed of his two enemies, finding them of supreme importance.

Stone Daugherty. Long since the energy that was his, the powers that flared in his great body have gone back to the earth that gave them, have dissolved, have been caught up again, have been recreated into new forms, have died down again. One of the vast, the innumerable army of human beings that moves onward with all life in a great impulsion toward some undreamed-of goal.

Stone Daugherty. A grain of dust bound into the entire solar system and important to it. A vehicle for the movement of life that twists and warps itself into channels that are open for it and bends all the living to its indomitable drive.

Stone Daugherty. It is worth looking at his vanished hates, at his gestures toward survival, for they are not so different from our own.

THE FIRST ENEMY

CHAPTER I

In the Month of April, 1789

IT WAS thirteen years before that Stone Daugherty was making ready to leave his house on Little River. Thirteen years in the measurement of youth are a great span, full of breath-taking adventure. They are swift-passing milestones for maturity which stands on the plateau of years. It was very much the same Stone Daugherty, his beard not quite so streaked with gray, the petulant line between his eyes not quite so clearly marked, the hands a little less prone to twist in nervous gesture, his body more cleanly in lines of strength.

There was a deal of work to be done and his wife was helping him. Two little boys of five and three, standing well to the side, and well out of the way, looked at their father with round, inquiring eyes. His wife lent Stone Daugherty a helping hand in the tying of bundles, stopping now and then to minister with brief nursings to their infant daughter, Jane, who wrapped in a

single piece of homespun, lay upon the earthen floor of their one-roomed cabin. Stone Daugherty never looked at Jane "or ary o' his brats" long enough to know what they were really like. Children were for "their maw's raisin'." That was true with all men, of course, but Stone Daugherty made more obvious insistence about it than most of them. "Hit's agin the law o' providence for a man to bother with young-uns. Hit's a woman's work like hit be a man's work to git outen to the woods and fotch 'em meat." He had never thought about the woman's work being the hardest. He would have scorned to help her if he had known it.

Stone Daugherty was a trader with the Chickamauga Indians who lived a full week's journey to the southwest and he was packing the goods which he would carry on pack train into the gloomy and forbidding forest. Bundles of shiny axes, rifles which he guarded with zealous care for they were worth their weight in silver, useless finery, gaudy arm ornaments, strings of glass beads, packages of fish hooks, powder and ball, for there was no trading without them, knives, bales of cloth for the making of shirts.

He would bring his horses back laden with furs of the winter's catch; would in slow stages carry them to trading posts nearer to the seaboard.

Stone Daugherty and his wife worked in silence, except that now and then he would give her a command to fetch him something from the lean-to at the back of the house. Stone never said much to her—never had said much to her from the time when they had first moved from the distant settlements to the Little River. They had lived for a year in a half-faced camp, a mere wind-break with a fire which burned in front of it. It had been cold in the winter time—too cold perhaps for a woman. The wife of Stone Daugherty had never talked much since the first winter, the time just before the oldest of the brats was born. The cold had taken the heart out of her and made everything else comfortable by comparison—even their pole house with its earthen floor and the cracks, only half-chinked—their beds which were made of planks covered with skins and leaves and supported from the ground by crotched poles.

The wife of Stone Daugherty was not of any particular help to her husband except in fetch-

ing things. She "waren't no strong woman" at best, but she was hampered by having to watch the cooking, having to nurse Jane and keep the boys out of the way. The wife of Stone Daugherty was twenty-two and was expecting another child within a few months. Perhaps that was why she took Stone Daugherty's commands so meekly—why she was so eager to keep the children quiet. "Keep still, drat ye." "Go outen to the field if ye can't shet yer mouth." "Hush, Jane, yer paw can't stand yer squallin'." But she was nervous and distracted so that Stone thought he was justified in being surly with her—or it may have been only habit with him. She was never given to complaining about anything so she took even his short words as a matter of course. "E'God, you air more'n lucky in not havin' yer throat cut and more'n lucky in havin' regular victuals and a roof." No one, not even the children, seemed ever to think about her much except when she did not do things for them. Her fingers were all thumbs when Stone asked her to tie a leather thong.

"I got me a good woman." Stone was fond of saying that. "I ain't havin' no more complaint

outen her and I totes her down a sight o' store-bought victuals when I makes my trips."

During dinner, which Stone Daugherty ate by himself with wolfish eagerness, scorning the use of anything but his heavy hunting knife, there was a halloo from the outside. Stone Daugherty, as a matter of routine and without giving his movements any conscious thought, took down his flintlock and looked out through a crack in the wall. It was not a time nor a place where a man could afford to be careless.

A white man stood on the edge of the small clearing, his horse tied to a tree. Stone Daugherty came to the doorway, his rifle held in the hollow of his arm. "Come in and set."

Visitors to the cabin of Stone Daugherty were rare and the two little boys gaped from the corner of the house.

"Et?" asked Stone Daugherty.

"I ain't. I figured I'd make it here by mid-day."

"The woman can fix ye victuals." Stone Daugherty did not even turn to his wife when he spoke to her.

The man ate in silence. "A nice placet you've

got," he said when he had finished. Stone grunted.

"Crops is poor. The woman's most generally ailin'. I'm away a heap."

It seemed to the waiting children that the two men would never speak again. The very sound of any human voice, except their father's and mother's, was absorbing—the little details of the stranger's leather leggins, the way that he ate his dinner, the look of his moccasins, would be cherished in memory.

His eating finished, the stranger did unbelievably turn to them. "Come on, young-uns," and actually helped them to a place by the two boards which, stretched across sections of logs, served for a table. He even spoke to the shy wife of Stone Daugherty. "A good meal and thank ye." The wife of Stone Daugherty colored and tucked at a stray wisp of hair. It had been a long time since anyone had thanked her for anything. A long time since any man had noticed her enough to speak to her. The few who came by seemed always to have business with Stone and he never let her into their talk.

The weather was warm and the sun shone

through the doorway. A good thing to be able to feel the cheerful heat after a winter time of darkness and cold. The stranger made a gesture to Daugherty. "Let's go out and set."

The two men sat on a fallen log. Stone Daugherty was quite sure that this visit was never accidental but he bided his time. No strangers came to his house without direct word of some sort. A ranger perhaps from the settlements to the north. They were always sticking their noses into other people's business.

After a long time he knocked the ashes from his pipe and spoke casually to Daugherty. "I brung you the word from Big Tom."

Stone grunted. "I've had the word from him afore. I ain't no member o' his company. Why do he send me word?"

"He sez for me to be tellin' you-uns to move back closer to the settlemints. There's a new writin' made with the Cherokee. They gin 'em back the Little River valley."

Stone Daugherty got to his feet and swore violently. "He ain't gin 'em back my share. What bother o' his might hit be where I builds. The country be to him that air man enough

to take hit. Hit's my house. I built hit and I didn't arst him about hit. Hit's my wife and my young-uns that lives in hit."

His violence was taken as a matter of course. "Surely, that's what I've allus stood fer. No use in lettin' the land be hunted on by them that be too onery to turn a furrow. Howsomever, I'm jest doin' my duty and hit's my orders. I got the word to tell them that's over the borders into the Little River valley to move outen hit. Big Tom he's made some sort o' writin' with the Soquee, who's the headman o' the Cherokee. It ain't none o' my orders to do aught but what I'm told and I done told ye. There be complaint about ye."

"From who?"

"The Soquee. He named you special."

Daugherty was sullen. "God damn hit, this here fightin' ain't none o' mine. I built this house here for I be knowed as a trader and I ain't raisin' my hand agin a side or to holp a side. I can go to the Cumberland and there ain't a blood-seekin' savage that'll raise a hand agin me. Hit's come to a pretty pass when a man o' peace can't look arter his own without bein' told."

The stranger was still unexcited at Daugherty's bluster and his half-threats to make a personal issue out of it. "I ain't sayin' that ain't gospel. I'm jest tellin' ye what Big Tom said. He's been in charge o' this fightin' fer all on us and I'm thinkin' he's got nothin' out o' hit more'n hard speech. Tell 'em to move outen the Little River valley he sez fer by the treaty hit air the land o' the Cherokee. Hit were fixed with the headmen. O' course you and me knows that the young bucks ain't allus a' carin' about what the headmen sez and there be times when there ain't no holdin' 'em with writin'. This here fightin' business be meat and bread to 'em. They's apt not to give ye much time to move. You-uns is away a powerful lot. Your folks lies out here in the woods and there ain't no closet neighbors. Hit ain't fitten. Trader or no trader, ye be white."

Stone Daugherty stretched his great arms. "Fitten? Fitten, Hell. Ain't hit fittin' fer me to git meat fer 'em to put in ther mouths, to git money to buy 'em store-bought victuals and cloth? 'Ain't hit me that lies out o' nights and goes into all sorts o' bother fer the woman and

the young-uns? Christ, God, I built this placet and no man said me nay. This here country ain't no easy livin' for man, woman nor beast. We got to live, ain't we? I'm here and here I set, writin' or no writin' o' Big Tom's. Six year I been here and there ain't nobody goin' to bother me, the woman nor the young-uns. You can tell Big Tom to go to Hell. I ain't takin' no part in his givin' this placet back to the Cherokee. I ain't skeered like the rest o' ye."

The ranger's face showed color. "Ye can leave the scairt out, and thank ye. Big Tom's a good man to count on when ye's in trouble. I've fit the Indians in his company and I knows. Hit ain't so much about ye that he be a-carin'. Hits the woman and the young-uns and a tryin' to live squar up to what he's done promised the Soquee. A white man ought to live up to his word, the same as a heathen. We'uns got to pull in the same boat if we all ain't goin' to be scalped. Howsomever," he rose to his feet and put away his pipe, "I brung ye the word and there's others that I got to be seein'."

"The woman and the young-uns be damned fer the whole passel o' ye," Daugherty flared at

him. "They be mine and hit's me who'll be doin' the lookin' arter 'em. All I'm askin' is to be let alone. I'll tend mine. You tend yourn."

His bluster was met by a voice and eyes that were quite mild. "I got my work to be doin'. I ain't got the time to be jawin' and gittin' into no rucus with ye. From what I heered in the settlemint's there's nobody wantin' to be nigh ye or to look to givin' ye help." It was said levelly, as a statement in which he took no personal interest. Daugherty's eyes fell and he abruptly turned his back and went inside the house.

A little thing, this house of Stone Daugherty's. A very poor house of pole logs and around it a clearing in a vast stretch of forest. Even as Stone Daugherty and his wife worked in the warm spring afternoon deer came to the edge of the clearing and looked out of the thicket with interested eyes at these human animals busy with their own affairs; squirrels ate fresh-swelling buds within a stone's throw of them, mated and sought places for their own nests, were caught by hawks which circled above them

or escaped if they were lucky. Ambitious, these human animals, with their flaunting fire, their tools for the destruction of trees, their taming of horses which lived in pens that were made for them. Safe against everything, these humans, for they could go into their houses, born from the death of trees, and nothing in the forest could dislodge them. A tiny speck of a house, fearlessly alone, and the humans who lived in it wrung sustenance from the earth and the animals which were of the earth. Around them a vast, apparently inexhaustible supply of meat which could be had by the human skill in twisting energy into devices that brought death. Stone Daugherty, when he left in the morning would not need to look beyond the flesh of animals for his food until he reached the Indian country—food for his belly and energy for his brain, twisted and turned back against its source, formed into thought, into words. A human male telling his mate to hold a leather thong as he tied it cleverly with hands which could grasp things and bend them to his will—a human, sulking because of what another human being had told him; turning energy into words

in the marvelous mechanism of his brain—mouthing to himself. ‘E’God, what did he mean by sayin’ that nobody wants to be nigh me? Christ, God, what I does ain’t none o’ their bother. E’God, if they tells me to move outen my own placet I’ll not do hit, until a rifle-gun air at my back.” A human being, strong of hand, keen of eye, blessed and cursed with words, living alone with his woman and his young-uns.

Four human beings eating their supper of cornmeal and venison, tearing meat with their teeth like other animals. Four human beings lying down to sleep in their house of logs, with flaunting fire burning on a wide hearth. Nothing in all that wide expanse of forest that could wrest them out except people like to themselves—people more closely knit to the earth even than they, or people more cunning in words, more cunning to store energy, more cunning to twist that energy into forms to suit a changing world.

The wife of Stone Daugherty, lying by the side of her sleeping husband, wondered what it was the visitor had talked to him about—wondered what had made Stone so angry. Something about his trading perhaps. It was not for

her to bother about. Her tired eyes closed as soon as she had covered her sleeping children with the dressed skin of a deer.

Stone Daugherty left early the next morning while it was yet dark. He might be lazy and indolent while he sat in the grog shops far to the east—he might be maudlin when liquor had him, but not here—not when there was work for those long legs of his, his lean flanks, his strong arms and a stomach that could digest raw pork—had done it and “wusse’n that, e’God, and growed fat on hit.”

Stone Daugherty knew and tried to forestall even the possibility of accidents—if a horse fell in crossing a creek the water would get into his packs unless they were greased and tied tightly—there should be extra leather for straps which might break—extra store of flints, greased patches for his rifle balls, waterproof horns for powder. Nature was not tolerant of men who ventured into the country to the westward without full respect for her normal and her abnormal moods. His horses were loaded with heavy packs, a shade under two hundred pounds for each of the five—the weight of a full grown

man. It was all that they could carry through the dense masses of laurel and rhododendron, over swollen creeks, through woods where only dim markings showed the passage of other men. Yet Stone Daugherty liked it and he took pride in his craftsmanship. He even liked the solitude of it, liked the sure knowledge that when he drew a bead on the head of a turkey that he would have meat for his supper. "I ain't afeered o' the woods. Hit's a man's life. There ain't no yaller pup of a dude that can keep pace with me."

In the semi-darkness, Stone had continued to be surly to his shrinking woman and young-uns. He had scarcely given them a word since the day before. A man did better if he were a lone man—bother enough for him to look after his stock, to worry about his own affairs much less to be saddled with the bother o' these—the bother o' gittin' 'em a new placet. He wouldn't git 'em no new placet until he were made to.

The wife of Stone Daugherty, holding their infant daughter Jane in her arms, the two little boys close by her skirts, followed him to the head of the lead animal. This dark figure, strident,

full of power, was after all, her husband—the sole source of strength outside of her own body. He turned to her and his voice was kinder than usual.

“The feller what were here yistiddy brung me the word that we-uns ought to move back to the settlemint. Hit’s all a damned lie. We-uns built this house in peace and in peace we air goin’ to live. There ain’t no reason for you-uns to be afeered. Tell them that comes this be the house o’ Stone Daugherty. I’ll be back in nigh to three weeks. There be victuals a-plenty. Git the corn planted.” The children were beneath his notice so he spoke to them only through her. “If the young-uns don’t behave, whale ’em with a withe.”

In the half-light Stone Daugherty took his place at the head of the lead-horse and started toward the forest which would keep him hidden for three weeks. The wife of Stone Daugherty sighed. If only he would come back for one word of tenderness. There would be another child soon to take the place of the one which she held in her breast—that was one thing which she had done for him—that deserved some word

of kindness, some word of personal praise; that was her greatest achievement, which she endured as uncomplainingly and as silently as she did all things.

He was gone and the child at her breast whimpered. Always it was hungry. The two little boys were hungry for they had not yet eaten—here was her work. After all, Stone Daugherty went out into the dangerous country to the west for them and for her. Men must be brave to venture alone under the darkness of the great trees, to dare the anger of the Indians, the risk of starvation and even torture. Perhaps she had never appreciated him and what he did for her as she should. Perhaps she ought to tell him, then he might be kinder to her. Stone liked for people to tell him how strong he was. It might be her fault that he had left so casually. "Without nary a word beyant tellin' me to plant the corn."

She looked wistfully toward the somberness of the forest which was already utterly and broodingly silent.

CHAPTER II

TO THE wife of Stone Daugherty, her husband far to the west, her brood of three dependent upon her for food and for courage, the days which followed his departure were vistas of cooking, the washing of simple clothes, continued nursings, a hesitant, weak effort at corn planting in a field still littered with the stumps of trees. There was no time to lift one's eyes from the everlasting doing of things which unrolled steadily before her. Drifting onward toward the day of his return, looking for it, hoping for it, without daring to wonder whether or not it would bring her further happiness to see him—drifting on toward something unnamed, unsought, without the comforting thought that it might be due to her, partly to her in any event, that this savage world should be tamed so that men could get further share of happiness. Now and then some rest—some physical rest, even in the working hours,—content to sit with folded hands and let the world drift into the nothingness of sleep. Fortunately for her, in the brief

moments when she could think of it, there was faith—unquestioning faith—that somewhere out of this world was a God who would smooth out the troubles and pains of unrelenting existence—ready to fight for that faith with the last drop of her blood because the world wherein she lived was so unlovely. Perhaps life was a coward and did not dare trust itself to the alien world of matter without the services of its hand-maiden, Faith. Twenty-two and with already three children, holding the discomfort of another close to her own heart for that was woman's God-given trial and her hope of reward.

One day much as another with the simple details of living, an end in themselves and no new thing on her horizon except the return of Stone Daugherty who was never kind to her. A woman of twenty-two, most of the vestiges of her early beauty long since gone from the drudgery of daily tasks, fighting to live, to live, to live for her children to live—timorous of the sharp pain of death, even though it might be release from an unrelenting, implacable world which brought her only suffering.

To Stone Daugherty, days filled with sweating marches through dense woods, swearing at his horses as they plunged through fords, beating them unmercifully if they did not measure to his hard standard. Determined, careful, close-knit to the earth as iron-stubborn laurel and difficult to defeat in a world to which he was adjusted. Nights that brought only half-peace with a tiny fire by his side, vigilant as an animal, even in sleep. A grim-lipped Stone Daugherty, taking an intimate, a keen joy in matching his strength and his skill against nature that he made respect him. He did not know how to read and write so much as his name but here alone were his great arms in full use, his brain quick in its cunning. Here was his outlet of smooth-flowing power. Here no man could taunt him with things of the past—a bitter and an unforgettable past before he and his woman had ventured alone to the valley of the Little River. Always Stone Daugherty dreaded to see light of recognition in the eyes of men. He and his father, the whole family for that matter, hunted like dogs because Englishmen had paid them money to take rifles to the Indians.

Hounded outen their home and his father shot. "E'God, how could a man know hit were wrong to help the English soldiers and to take pay?" They had thought him, Stone Daugherty, dead but life had been tough in him although afterwards he did carry a long diagonal scar across his face. If neighbors had memories which could hold things like that, e'God, he had found him a woman to move with him to the woods where there waren't no people.

Days of bargaining with the olive-colored Indians of the Chickamaugas—an evil cluster of renegades who had gathered on the banks of the Tennessee River where it made its great bend—pirates in canoes who preyed on river traffic, escaped slaves from the fields of Virginia, Choc-taws, Creeks and Seminoles, all speaking a jargon of languages. Days of squatting in front of his own trading hut on the outskirts of the village where they brought him piles of raw furs, looking with childish eagerness at his bright stuffs—shoving out bundles of beaver, otter and mink skins. What matter to him that down on the river front there might be death and torture to men of his own race. "I'm tellin' ye I can't

be helpin' hit. I'm one lone man with these here heathens. Hit ain't nothin' that I can do about it. I'm a trader and I've got my placet a leetle off to the side o' their town. It ain't no more my doin' that there be scalpin' and twistin' than hit's the doin' o' them back at the tradin' posts who starts me out with the powder and ball and the steel tomahawks. I ain't nothin' but a trader and they knows when I'm comin' and they brings their stuff. Nary a one would tech me, so long as I ain't seein' nothin' nor hearin' nothin'."

Nights with his new squaw who was sullenly morose when he first got her but he had tamed her. This one was a young-un and had cost him more than usual for the week. It was to Stone Daughtery quite natural to get a squaw and he would have failed to understand objection. "What I does with the squaws ain't nobody's bother but mine and theirn. They be glad to git the company of a man fer a week or so and I give 'em a trifle or two. A squaw ain't nothin', but a man needs a woman when he rests."

Nights and days in which there was little if

any difference between other nights and days for Stone Daugherty or for his wife. Always perhaps men would go down into the Indian country even as Stone Daugherty went, carrying with them loads of stuff to be bartered. Perhaps always men would leave their wives alone even in cabins like his. Life had been much the same since either Stone Daugherty or his wife could remember. Always there was fighting somewhere between the Indians and the whites or amongst the whites—worse when the whites hunted each other. Not half understanding, either Stone Daugherty or his wife, why the people fought against the British except that it was a matter of meat and bread—a man had to live—he had to live even after a war was over and he had to dodge the big traders who'd sick Indians on him to scalp him and cut his throat. Life existed like this for them and it would for their children and their children's children—each in his turn lifted out of it some day by an all powerful God who would, in a place whose magnificence could not even be imagined, make an end of all troubles, all hardships.

The wife of Stone Daugherty had finished planting the straggling corn-patch which followed the creek. More and more it was becoming difficult for her to do the essential work of looking after herself and the children, much less the "corn-tendin'." Yet she had done it, digging holes into the rich earth with a hoe and dropping the grain into them as the Indian women did, for she did not want to see Stone's look of disappointment if it were not done. Mouths had to be fed and the less that was transported the easier it was for them all. "A body ought to take care o' hisself on his home set." Stone Daugherty had "deadened" the trees in the clearing by ringing them, on the first year of their arrival. Full of savage energy when he set his mind to it, he had burned the magnificent logs, had hacked out the dense underbrush. A field for his corn—that was a man's work. When he was done, it was poor enough with blackened stumps dotting it, but it was his. The Indians planted corn without plows and in places not nearly so good as this. Well, if they did it he and his woman could do it too—if the Indians could hammer the grain into rough meal, his woman

could do that too, or she could parch it and they could crack it with their teeth. "A man is got to live and the placet is ourn."

Stone Daugherty had been away for three weeks—the air had warmed, laurel was beginning to show white on the creek banks and the earth was blue with violets. The boys were playing down by the creek, Jane lay in the sunshine where she could be watched. The door of the cabin was open for the wife of Stone Daugherty who was cooking their dinner could not always keep it shut, could not always deny them the warmth of the sun.

It was a simple meal that she had for them. A pot of polk-greens, cornbread, peas cooked with pork. The wife of Stone Daugherty was putting a piece of cornbread, soaked in grease, into the mouth of Jane when there was a knock at the door.

For anyone even to come by their lonely cabin was so unusual that the wife of Stone Daugherty started in sudden panic. She had shut the door from habit and because Stone had taught her to. Someone who had not hallooed! The knock was repeated and she got hesitantly to her feet. Al-

ways the wife of Stone Daugherty had to steel herself against fear—against half-cowardice which shook her as it shakes an animal in the lurking dread of death from those stronger than itself.

Her heart pounded and her hands made futile movements. Someone at the door and she went to open it. She should have looked out before she took down the bar, should have caught up the rifle which Stone had left her, but she forgot, forgot everything, helpless in sudden panic, knowing that it was not Stone for he would have called her.

An unarmed Indian stood in front of her. She caught but a glimpse of his thin body, his evasive eyes. The wife of Stone Daugherty clutched the child in her arms closer to her breast and started backward, her eyes wide-opened and full of fear. Perhaps this solitary Indian was as frightened as she was. Before she could close the door he made signs to his mouth, mumbling in Cherokee. An animal begging for food and as quickly as it had arisen her panic left her. A simple thing to give any animal or human being food. No reason for the heart to pound so. She

went back to the fireplace and brought him bread which he took and without a word was gone.

Yet after she had barred the door, almost in a breath her worries assailed her again. Had he not seen that Stone was away—perhaps he had watched from the field and had only come to the house on the pretext of being hungry to find if Stone were inside? Had he not peered into the house and seen that she was alone? Thank the good Lord, Stone would be back by tomorrow. There would be rest from the tormenting fear which was creeping over her so that she started at the slightest sound. A woman ought to be able to live alone. The women whom she knew did. The fault was hers and no wonder Stone stormed at her. She was just not brave. Perhaps this solitary Indian had come by to see Stone, to buy a knife from him. Stone would have laughed and joked with him. "I'm a plumb coward, yaller and skeery like a slip of a gal and me with three young-uns already here and one nigh to bein'." Yet during the afternoon she kept the boys indoors and did not venture out herself.

The hours slipped by and it was time to put the children to bed. After they were still she could sit in front of the fire and let sleep bring oblivion—a little time of rest that belonged all to her. (If there were God above her, unseen hands were reaching down through darkness to lift her out of a world of trouble and of fears.)

There was a faint, an ever so faint noise from outside the door—swift-moving footsteps—low mumble of words. The wife of Stone Daugherty rose to her feet, her heart pounding, her hands fluttering helplessly.

With rending crash a log was driven against the door. A group of figures, swarthy and grim hurled in from the darkness.

The wife of Stone Daugherty with one frantic movement reached her arms toward the infant Jane, the second before a steel tomahawk crashed into her own skull. Life had been beaten back. One tiny spark of it ending in a great, a gloomy forest where trees fought with each other for a foothold in the earth, where in them, above them, below them, there was a vast army of struggling forms; living, dying, creating to die again.

The next morning Stone Daugherty, his horses laden with furs, came to the edge of his own clearing. Already the people, the country, that lay west of him were shadows. He would stop at his house long enough to rest his horses, then take up again the long, though easier march to the eastward. He thought about his new young-un and his face clouded. Perhaps he would have to stay a week—perhaps it was already born—women could, and had managed for themselves; if not, he might get the Powell woman to stay and go on at once.

Stone Daugherty noticed first that there was no familiar smoke from the chimney. The place was strangely silent, the door wide open. His mind leaped to that wide-opened door and stuck there. If the door were open, someone should be in the field. A vague shadow, that he sensed with narrowing eyes, lay over the still little house.

Stone Daugherty stopped his pack train in the edge of the woods and holding his rifle ready, crossed in long strides through the clearing, his eyes watchful. Premonition of danger had stood him in good stead before.

As he came near to the doorway he heard the

hungry, fretful crying of a child and his vigilance relaxed. That should be his daughter, Jane, But there was no answer to his halloo. Where was his wife?—The boys? His mind worked in half-formed, intuitive flashes. They were not in the field or he could have seen them—surely they could have heard him. The child alone. That was wrong. He reached the front of the house and flattened himself against the wall. “Hallo”—there was only silence. Something wrong. Something.

He was sure of it now, sure of it before he saw bloodstains on the trampled earth of the sill. He reached the door and with a spring was on the inside, his rifle ready, his teeth bared in a snarl.

The mutilated bodies of his two sons were staked out on the earthen floor and there was no question of the manner of their death. His wife’s body was stretched out where she had fallen, her hands still clutching at emptiness. The child, Jane, crawling from the cold body of her mother raised her hands to him with a weak and pitiful cry.

CHAPTER III

STONE DAUGHERTY had no close neighbors. It was ten miles to the nearest house and that only the cabin of a solitary man named Hixon. Yet Stone Daugherty, holding his daughter, Jane, in his arms and never understanding what brutal, childish irony it was that had spared her, longed with a sudden, over-powering, wracking pain for the sympathy of people. He had to find somebody, somebody who could help him—somebody to give them a decent, Christian burial. His mouth shook and his great hands twisted until they cracked. He thought with desperation that there was no one who really liked him, who would really sympathize with him. They had to. E'God, they had to come and give them a decent, Christian burial.

He shut and barred the door and in the doing of that instinctive act his weakness left him. "If ye come back now, God damn ye, ye'll find a man here. God damn ye, I hope ye come, God damn ye. God damn ye. I hope ye come. I hope ye come." His eyes bloodshot, he leaped to the

wall, stuck his rifle through the spaces between the logs, demoniacal in shouted defiance which left him exhausted.

Trying to avoid that which could not be altogether avoided, he took the child, Jane, and clumsily washed the dried blood of her mother from her face and her body. Clumsily he sought for and found a clean piece of cloth and wrapped her in it, shuddering when he caught brief glimpses of the earthen floor where lay the body of his wife and his two sons who had been tortured.

There was first, food for his child. He found scraps that the Indians had left and he fed the whimpering Jane as he would have a young animal, sticking little particles of food into her mouth—letting her suck his great, greasy fingers which shook. Afterward, with Jane in his arms, he went outside and carefully shut the door. He would be back in ten hours—five hours. If he were lucky the house would not be burned by the returning Indians. If he were lucky, he would yet give them decent, Christian burial. There was sudden mounting rage. "I hope ye wait till I'm here. God damn ye, wait till to-

night. I'll git ye fer this. I'll git ye ten for one and I'll scalp ye and stomp yer guts out while ye live."

Two hours later Stone Daugherty reached the cabin of Hixon and halloed weakly. He had reached it with desperate speed going on foot through places that no horse could have managed, holding the child lightly. Physical exhaustion had brought him some peace and he was calmer. To his intense relief Hixon answered him after a long wait. "Who be ye?"

"It's me, Stone Daugherty. For the love o' God, open."

When he was through talking Hixon sat for a while in silence. He looked at the sleeping child and his eyes were hard. "Ye better thank God, ye got one alive. I ain't knowin' why they left hit beyant a sort o' joke. There's no understandin' 'em."

Stone Daugherty seized on that. "There ain't no understandin' o' them killin' any o' mine. I ain't done nothin' to 'em."

Hixon walked nervously around his single, bare room. "There ain't nobody done nothin' to 'em. I come from the mountains o' Virginie.

The varmints raided my house when I were away lessen a mile. They scalped and gutted my woman and five young-uns. Arter that I moved closer," there was hint of mania in his lowered voice, "I moved closer for special reasons o' my own. I ain't knowin' which set on 'em did hit. There weren't no findin' out but I tried. By now I ain't a-carin'. They be all the same to me. There be times when I be away from here for months skulking down by the lower towns, or nigh to the Creek country, painted like a buck. I'll follow arter 'em for days and nights without victuals. There be one here and one there, and I ain't hesitatin' to take their scalps, women, young-uns or men. I ain't a-carin'. Ye air come to the right man."

Stone Daugherty looked at him, staring at Hixon's cold ferocity which swept him out of his own misery. The intensity of Hixon's hatred which had been long fed in solitude was greater than his own. Thereafter Stone Daugherty followed him, content to let him direct his movements, almost his thoughts. An inconceivably thin man, small of stature, Hixon's restless black eyes were close-set, the skin of his face drawn

tightly over his bones. No man knew the agile strength of Hixon until he was locked in close embrace with him and could feel the power of his thin body. No man had ever heard him complain of hunger or cold or had ever heard him say that he was tired. He had the leadership of men when he wanted it. He turned to Daugherty.

"I'll take the young-un on horse over to the Powell woman. I'll git the word out and don't ye bother. I'm thinkin' ye'd like to git back to yer own placet. Keep a closet watch and there'll be several jinin' ye offen' on. I'll make hit my job to round up them what's got guts to fight, peace or no peace. There be a jug o' liquor under the bed but tech it sparin' for there be work to be done."

By ten the next morning there were as many as twenty men and four women who had gathered at Stone Daugherty's cabin. They had come in scattering handfuls—quiet, saying nothing, they looked inside Daugherty's cabin, stood around and talked in low voices. There were some of them to whom slaughter like that was

not altogether new. That which had happened to the wife of Stone Daugherty and her two sons, might descend at any time upon any of theirs. Every moment a man had the care of himself and of those who were dependent upon him.

Rough leadership was assumed by Hixon. Two men were placed at the ends of the clearing and a scattering at vantage points in the woods. "Hit's no easy work and we-uns got to git through quick. There ain't to be no hangin' around. Hit's a usual dodge to ambush buryin's."

The four women took over the work of preparing the bodies and they made no complaint about it. "We'll fix 'em the best we-uns can" and the doors were shut while the men on the outside made a single rough box out of planks and dug a grave a little to the side of the house.

Stone Daugherty kept for the most part by himself, twisting his hands nervously and walking backward and forward with long strides. "The God damned heathen. Arter all my carryin' 'em stuff, arter all my bein' peaceful and never raisin' a hand agin' 'em. I wisht they'd ha' come whilst I were here. I wisht they'd ha' found me

—they'd be rottin' in Hell." He thought about his wife, particularly in the years past when they had first married. "She were a good woman and I ain't never had no complaint outen her. Allus a-doin' her work and havin' my cookin' ready. She ain't never done nothin' to 'em. She ain't never raised a hand agin 'em. And they hacked the young-uns and twisted on 'em." His eyes grew bloodshot.

Yet he was of few words with the men and the women who talked to him. "There ain't nothin' ye can do for me beyant some can help me load up the hosses. I turned 'em out to feed. She were a good woman and she never done no complainin'."

When the door of the house was opened, and after the women had cleaned the earthen floor, Stone Daugherty went in and stood by the side of the rough box which held the bodies of his wife and his two sons. His mouth under his beard trembled. "She were a good woman and she never done no complainin'." It was his last, his unceasing tribute.

The box was carried out to the side of the house, the men and women standing in a rude

circle, the men with their flintlocks on their arms. There were brief funeral ceremonies—the singing of a flat-toned, nasal hymn by three women—the saying of a stumbling prayer by a man who had now and then assisted in holding meeting. “Lord God, we-uns looks up to ye for our help and our only hopes in times like these here. We perish by the fire and the sword and cry outen to you, Lord God, for you is on our side.” (The hand-maiden of life refusing to admit defeat even for its humblest—valiantly dreaming of existence beyond the material—the voice of one, or of many, crying in the wilderness.)

All that was left of the wife of Stone Daugherty, she who had lived and died, “without no complaint,” was lowered into the ground with the bodies of her two sons. “Pound the yearth down flat,” said Hixon in a low voice. “Pound hit flat and put every drap o’ fresh dirt back. Cover hit with bresh. I don’t want the heathen, if they be goin’ to keep this country, to come and say that here be the grave o’ them they kilt.”

It was done and the men who watched were

called in. "Hit's best to git outen here as quick as we can. We-uns can go back to the Little Fork and the women folks can be took home," said Hixon. "I'm wantin' as many o' ye as can spare for a short spell at my placet." He looked at Stone Daugherty. "That names you. The Powell woman'll look to the young-un."

Stone Daugherty had been standin' apart. "I'd like," he said, "for one o' two o' you-uns to help me with the stock. We can herd 'em up to Hixon's. The hosses air loaded. You-uns know I can't be livin' here and me a widder-man with a little-un. There be a few things—some o' the woman's and some o' mine that they left. They ain't much and they can be toted." He went inside and brought out a bundle, while they watched him in silence. "Hit looks like a powerful waste but I ain't comin' back and I ain't leavin' this placet for no Cherokee. Arter all hit were mine and the woman's and I reckon that I air done with it."

Stone Daugherty gathered up an armful of wood and some rags which he put carefully against the framework of the door. While the men and the women waited, he stooped and

struck fire from a tinder box, making certain that the fire would burn. "I'm done with ye," he said mournfully, raising his mighty arms, "but I ain't done with them that did hit. I ha' made my last trip. Fair means or foul, hit's me or hit's you." Yet even as he said it Stone Daugherty's eyes did take in the somber group to see if they appreciated his magnificent gesture.

Thirty minutes afterwards there was only a smudge of smoke on the sky to the back of them to show where the cabin of Stone Daugherty had been. There would be left only a pile of blackened stone and a flat grave, "tromped in," so that it would not show where the wife of Stone Daugherty slept with her two sons.

There were eleven men who stayed with Hixon, the rest scattering to their homes. He piloted them to his cabin at the junction of two creeks—a gloomy enough place, almost overshadowed with trees, for Hixon was not a farmer and had made no effort towards a clearing even for so much as the planting of corn. Hixon made the woods support him, getting his few necessary store-bought supplies with the

rarest of visits to the settlements to the northeast. Hixon knew that one of those private forays into the Indian country was in the process of making. Men cannot look upon the mutilated bodies of women and children without planning vengeance of some sort. He preferred private vengeance to organized vengeance. A man had a looser rein.

The spring night was warm and the men sat on the outside of the cabin, rifles leaned against trees. Saturnine men in coats of linsey cloth or dressed deer-skin, coon-skin caps and moccasins—each with his tomahawk and scalping knife in his belt. Thin of body, all of them, emaciated as if from lack of food but with a near unbelievable toughness of sinew and a capacity for endurance, past all belief. Not a man of them who sat in the comparative safety of Hixon's cabin who was not keenly alive to the noises of the dark woods around them, picking out the familiar sounds and dismissing them as harmless—slouching in indolence but quick to change into action if the need arose. Men accustomed to seeing violent death—fearless in giving it. A group of twelve belonging to their savage world,

adjusted to it and unhappy out of it. Tough, wiry men, hard to kill even with rifle balls, dominant over the world around them and ruthless with it, as it would be, or had been with them. A group, but each reliant upon himself if the emergency arose and held together by only the slenderest of threads.

There was food for empty bellies—much food which was torn with eager teeth for the day's work had been hard and there had been little if anything to eat since morning. A man ate when he could, if there were plenty ate heavily with an unconscious eye to the future—venison and cornbread with some coffee, drunk piping hot and with no sugar. Because it was so rare there was unusual garrulousness and even playfulness.

Hixon alone was not to be swerved from his purpose, even for the moment. He turned to Stone Daugherty, who sat dejectedly by the fire. "Ha' ye ary notion?"

"None that be worth followin'." Stone Daugherty pushed a piece of log into the fire. "I were settin' here thinkin' on the lay o' the land and I jedge I knows hit better'n any o' the rest. Hit ain't fer to the Little River from my

placet. Hit stands to reason they set out fer thar so soon as they done hit."

"I jedge there were five," one of the men sprawled by the fire joined in. "I caught their trail in the woods both a-comin' and a-goin'."

Stone Daugherty twisted his hands. "You men knows I'd ha' took up their trail myself, only I were so oneasy and bothered with the keer o' my livin' young-un that I never thought on hit. There ain't no doubt in my mind that arter they left they struck the Little River. They could ha' waded hit or they could ha' gone down in boats. Most common they goes in boats—"

"And if they waded hit?" questioned Hixon, interrupting him.

"Well, they be mighty soon lost to follow. I knows the land to the south bank o' the river only by word but I knows there be a powerful sight o' travelin'. There ain't nobody could pick out a fresh trail and follow hit and if ye did it would lead ye spang into the towns. By now, them God damned bucks air showin' the scalps o' my young-uns and my woman."

"We-uns might go up and beg fer sojers."

Long John Sanders spoke in scorn but Hixon took his words seriously.

"Hell, ye go outside o' this settlemint and to where men ha' only heered about the Indians and ain't seed one and they'll talk about makin' up a treaty o' peace. You-uns know there ain't no good in this peace talk. There ain't a man who ain't had hurt at fust hand. You lost yer own woman, John McDermott, and ye, John Powell, lost yer son. Christ God, how long air ye goin' to set and let 'em scalp yer women and yer young-uns and not take the fightin' to yer-selves? Who the Hell be 'fraid o' fightin'? I can lick ary buck that lives, in a free-for-all, with a rifle-gun or without hit."

"I've allus helt," said Powell, "that this here peace talk were the worst thing for them that lives on the border. Hit ain't no sooner started than there be murderin' and scalpin'. Hit's jest a blind. Better to follow the Good Book in takin' an eye for an eye. I'm agin this peace talk and agin them that makes hit. I got a reckonin' o' my own to fill. I'm wore out waitin'."

"From what I've heered," said Daugherty, "the main one to do this peace talkin' amongst

the Cherokee is this here Soquee. You-uns knows him, I reckon. He ain't livin' so fer from me. If there were ary one o' 'em what done aught, by rights hit be laid to him."

Hixon tapped the ashes from his pipe. "I know that old rattler. I heern him oncet in a confabbin' up in Virginie. Hit were the time the Little Bullet were kilt in a private fight whilest the rest on 'em were talkin'. The Bullet were toled off fer a drink. I ain't sayin' who kilt him, fer I ain't blowin', but hit like to broke up the peace talk."

The mention of the Soquee's name brought back to Stone Daugherty a train of other things—memory of what the ranger had told him when he came by his house. "I've heered whar he's built him a placet and I've seed his smoke. Hit ain't in a town but nigh to five mile outen the nighest and closet to the Little River. He's the chief headman o' the whole tribe—a sort o' peacemaker I've heered. They all come a-runnin' to him when he says the word, headmen and jest plain bucks. Hit's said he come outen the towns so's to keep the bucks from startin' out toward the settlemints and he won't raise his hand agin

the whites. He's the buck done the complainin' agin me."

"Hit'll be a good riddance to get rid o' the pesky son o' a bitch," said Powell. "He's allus a talkin' 'bout keepin' a placet for the Cherokee and writin' 'bout sech as Daugherty and we-uns. I'm for slippin' down and givin' him a racket, peace talk or no peace talk."

There was a scattering of words from that suggestion. It could be done. There might be a night raid—a quick, savage expedition to cross the Little River; the crack of rifles around a solitary hut; the screaming of a few squaws; the death of one old Indian; an even quicker return. Hixon got up from where he was sitting on the doorstep and walked backward and forward. There was nothing unusual in that sort of plan—twelve men could do better than that. He slapped his hand on his leg and laughed softly. It was not pleasant to hear Hixon laugh. He came back by the fire. "If ye men ha' the guts, I think ye has, I got a notion in my head. I don't see any reason why it ain't a good-un. There's one thing for sure about these old Indians and that be they loves to talk. They thinks

if ye set around and talk and smoke a pipe fer a day or so they can make friends outen the devil. I wouldn't tech my mouth to one o' their nasty pipes for the whole o' the Carolinys. I got a notion worked out and hit ain't no young-un's play for none o' ye, specially Daugherty, but I'm thinkin' hit'll be a lesson to all the damned skunks to stop this here murderin' and scalpin'. I'm thinkin' that arter hit's done there'll be less o' this here killin' or there'll be the God damndest fightin' ye ever seed and we-uns can clean out the whole nest. Hit'll be Stone Daugherty's word to 'em direct and hit'll show 'em what a white man does to pay for his hurt."

Heads were drawn closer and Hixon sketched his plan with eagerness. "I'll leave an hour afore day and I'll bring ye the word if hit air fixed. Let's get a bellyful o' the bastards at one chawin'. You-uns land up the river and come in by twos. When ye git in make ye a round and pick ye a man. If they try and git loose, let 'em have it in the guts but not to kill. The last word'll be for Daugherty. I wants 'em to know, even if they be gutted with a ball, that hit's Stone Daugherty that finishes 'em. Hit'll be named Stone Daugh-

erty's racket or I be plumb outen my mind."

They slept on the floor of Hixon's cabin, making no complaint about being wedged together and seeming to enjoy it, hours normally given over to sleep spent in a deal of rough horse-play and the drinking of Hixon's whiskey which seemed to have no visible effect on them. There should, perhaps, have been memories of Daugherty's cabin—of his two sons and his wife with her empty clutching hands but they were forgotten in the joy of talking to each other. This bid fair to be a memorable racket and it was better than any hunting trip. No one thought, or even cared, that it was dangerous—all life was dangerous for that matter—had been and always would be dangerous. "God Almighty, what did a man want?"

They left Daugherty alone. "A man had to do his grievin' fer a spell but he ought not to mouthe about hit."

Hixon got up very early—a soon start of an hour before day while the rest slept. He had drunk as heavily as any of them the night before, but that did not make any difference with him. Nothing could interfere with his absorbing

passion—nothing could shake his vigilance. He cooked some pork and cornbread, eating great hunks of food, his lean face vindictive and hard in the light from the fire. Hixon was the brains of this sleeping group that sprawled out on the floor and there was no rest for him—no sleeping when there was work to be done. By the time the sun was two hours high, he would be on the edge of Little River. He would be there alone—would be in the Indian country and for the furtherance of his plans would be, for a time, unarmed.

He slipped out silently and saddled a horse. If his luck held he would meet the rest about noon at the junction of Jerk Deer creek and Little River. Hixon never questioned his own ability and was scornful of those who doubted themselves. He was bothered only about the chances of his being late.

After he had gone, the light filtered through the cracks in the wall of his cabin. Bodies stirred—food for stomachs—the fire to be rekindled. Man was at his food-getting as were the animals and even the plants. The horse-play of the night before, the careless laughter were forgotten.

There was stock-taking of shot pouches and flintlocks. Work to be done and no more trifling. They would go on foot to meet Hixon so there was to be no carrying of food. A man could eat his fill when he got back—if he got back. Powell joked about that as they climbed over a gap. "A body'll be glad of a mess o' cabbage and leather-breeches beans come night. I'm thinkin' there'll be more to eat, fer some o' ye fellers ain't goin' to never want none."

They had been at the fork of the creek for an hour or two when they heard Hixon on the ridge above them. He had left his horse and was walking. A man walked differently from a deer or a bear. Hixon came in and sat down. They waited for him to find his words.

"He et outen my hands." Hixon spoke with extreme casualness. "Hit were like taking bread from a young-un. I waded the river acrost from his placet and I helt up a white rag fer a peace sign. I ain't got more'n half way over till the old Soquee hisself come outen' the bresh. He were trailed by his young-un, a half-growed buck.

"We-uns wants to have a peace talk with

ye,' I sez, when I got to the bank. I can make their talk like one on 'em, but I'm thinkin' he knows more o' our talk than he lets on.

" 'About what?' he asts me.

" 'Bout fixin' the line betwixt us.' I sez to him. 'We-uns wants to move all the whites outen the Little River valley.'

" 'Hit'll suit me,' he sez in a sort of high-falutin' speech about the God damned Cherokee. 'I wants to keep the placet for them that own hit by rights,' he sez. The lousy varmint. I ought to ha' brained him and swum fer hit."

"He talks like God give the yearth to the brutes," said Stone Daugherty. He was slightly hurt because Hixon and the others were neglecting him.

"There's likely to be four on 'em," said Hixon, "providin' o' course that there be no slip up. Four not countin' the Soquee's young-un what's nigh to twelve year old or thereabouts. 'Can ye git the headmen from the towns by an hour afore dark?' I asts him.

" 'Hit can be done,' he sez. 'Who be hit that wants this peace talk?'

" 'Hit be Big Tom hisself,' I sez to him with-

out battin' er eye fer I knowed he and him had set in a lot o' peace talks. 'He sent the word by me,' I sez. 'He said he had your writin' about the whites comin' into the Little River valley an' he wants to keep the land fer ye.' The old fool went off into a rigamerole about hit bein' their land and I ought to ha' brained him only I wanted to git the hull shootin' match all at oncet. 'We can smoke the pipe o' peace,' he sez to me. Pipe o' peace, Hell, I sez to myself only I grinned at him peaceful, like a cat with kittens, and I sez, 'Big Tom's powerful anxious to git the white men outen yer valley. He's had a powerful sight o' trouble and the folks ain't allus doin' what he wants. He don't want no talkin' about hit. Big Tom he don't want nary a word said until hit's fixed. He don't want nobody but the headmen.'

" 'I has the same trouble with the young men,' he sez, wavin' his arms about. 'There won't be nobody here but four headmen. Hit's the work o' my old age to keep the peace atwixt us. We got the same father,' he sez, goin' off into a speech and swellin' up with words like a horse with colic.

“‘Ye might,’ I sez, thinkin’ o’ a new notion in a hurry, ‘bring yer own son along, the one they calls the young Soquee. Big Tom sez he wanted a runner. He were askin’ for one—’”

Powell interrupted him. “I follows ye. We-uns wants the word o’ this to git out.”

Hixon laughed softly. “Hit come to me whilst I were talkin’ to the old bastard. I wants the young-un to take back word o’ this play-party to them that can’t see hit. I’m aimin’ for Daugherty to use the young-un as a runner—a special branded runner o’ his own. I means,” (he made a swift, circling gesture with his hands) “to scalp him but not to kill him. There ain’t no use lettin’ none o’ them git off scot free. Do ye know how it’s done, Daugherty?”

“I’m thinkin’ I do,” said Stone Daugherty. “I ain’t never done hit myself but I’ve seed enough that were took off o’ Indians and whites too, I reckon, to know about how it were done.”

“Well, if ye don’t know how, I’ll be glad to show ye,” said Hixon. “Not too deep or ye’ll kill him. Take a leetle bit offen the bone if ye choose but not too deep. Two on us can hold him. I’ll be almost skeered I’ll cut his throat, fer

it ain't natural for me to hold one o' them in my hands and not slit him."

"I won't do more'n mark him proper," said Daughtery. "They be tough devils and hard to kill. He can crawl back to the town if he can't run. A sort o' crawlin' runner." He laughed harshly. "They left one o' mine alive and this here game is goin' to be sort o' tit for tat."

"Well, arter hit's done," said Hixon, "we-uns all got to walk easy. It ain't no light job ye be doin'. They'll pile outen the hive quicker'n a passel o' hornets. This ain't to be no common racket with some no-count bucks."

"The sooner hit comes the better," said one of the men tightening his belt. "Christ, God, the folks clar over into the big settlemint's o' the Carolinys will larn more about Indians than they knows from readin' story books. I'm plumb wore out in promisin's. 'We'll take keer o' ye and send soldiers,' they sez, and whilest they be promisin' the Indians air a-scalpin' and a-murderin'. By God, there ain't nobody skeered on 'em and the land belongs to them that is man enough to take hit. I'll hold to my share. I'm fer

cleanin' 'em out and givin' hit to the Christian people. If this here thing starts a ruction, I'm fer hit."

There was little further talk except that Hixon marshalled them into exact plan going over details again. "I wants Long John to go with me. We got to wade the river acrost from whar the Soquee lives. Me and Long John'll keep our rifle-guns but when we gits on the bank nigh to the mound o' shells, we'll lay 'em down. Leave the talk to me. I wants the rest on ye to cross the river out o' sight o' the bend and git on the fur side. Come in easy-like. Choose yer man, if they make a break fer hit. They be sech damned fools and so used to peace talks there ain't no chance for 'em to break till nigh the last. Ye air puttin' on a play-show and hit's goin' to be the talk o' the settlemint, fer a spell. Ye come in with the last two, Stone Daugherty. Ye ha' yer tomahawk?"

Daugherty felt at his belt. "A good-un and a sharp 'un. I ha' kilt a growed bar with a axe and hit ain't so powerful different."

"If there be ary one that breaks," said Hixon,

“you-uns keep in yer heads there won’t be no shootin’ except in the guts. Hit’ll be Stone Daugherty that can finish ’em if I don’t get riled and beat him to it.”

CHAPTER IV

FOR years afterward men passing up and down the Little River called a flat prong of land which jutted out into the water, "Daugherty's Racket." The river narrowed there as it broke through the crowding hills and there was always the swift, rushing sound of water which tumbled over shoals. Daugherty's Racket was like a finger stuck out to stop it—a place near to ten yards wide and bare except for one lone oak tree and a mound of crumbled mussel shells. The oak tree stood there for many, many years until it was ripped from its anchorage of stones and earth by a swirling flood which bore it far toward the Mississippi. A good place to camp out o' nights when the weather was warm and to listen to the eager monologue of the water. A peaceful place to lie on one's back with a fire of driftwood to glow on the white water. There is a good spring just at the head of the spit of land and a kindly-natured farmer, who has a house near there, has chickens and eggs which can be had cheaply enough.

The earth is forgetful of human tragedies as it is of those of all other things which crowd it. One might lie at night, on that little prong of land, listen to the water splashing over the shoals and might recreate out of the mists of the past, the vanished bison which had scrambled through the shallows with much noisy blowing, the deer, the wolves who had ventured out on that spit of land and looked with inquisitive eye up and down a river which man had never seen; might almost hear the shouts of the Indian children who had splashed in the water looking for the same mussels whose shells were a pillow for one's head. The brooding earth, intent perhaps upon its own tragedies and its own joys, the water which splashes by unheeding, are as unmindful of the past as they are unmindful of the tiniest speck of life clinging to a grass stem, or of the gasping agony of a minnow washed into a crevice of the rocks from which the water has receded.

Yet men named it Daugherty's Racket. A human name which held for so long or so short a time as fifty years, though soon men forgot the reasons for its naming.

On an afternoon of April the mountains drowsed in the warmth of early spring. The oak tree was putting out its fresh young leaves. The water, clear and cold poured over the shoals with sleepy murmur. A very still place except for the noise of water. A very still place, hedged in between hills, almost obscured in thick haze. One might never have known that human beings had ever seen it if it had not been for a tiny fire which burned near the great oak tree.

A very still spring afternoon. The earth, the river, never caring for the human tragedy which men were about to play, indifferent in their absorption of human blood, unmindful of the storms of human passion as a ship is unmindful of the joys or sorrows of scurrying rats in its hold.

Two men came to the edge of Little River, across from the smouldering fire. A smallish man with a lean, vindictive face and a tall, cadaverously thin man with eyes which were forever impassive. One could imagine that he would have looked upon his own death without change of countenance.

The two men stopped at the edge of the river

and said no word, only their eyes took in with minute care each detail of the opposite shore. The smaller of the two searched in his clothes and found a white cloth which he fastened to the end of his rifle's barrel. He waved it backward and forward as if he were signaling to the one who had built the fire under the oak tree. As though expecting no answer he and his companion without hesitation started through the shallows.

It was no easy matter to ford the Little River and keep one's balance against the water which tugged at footing on slippery stones but there was no word of complaint from either of them. Two men bent on the furtherance of their own plans, crossing the river in silence.

As they came nearer to the shore, the dense laurel thicket at the head of the spit of land parted and a solitary Indian came out. He walked down to the oak tree and stood facing the river. The Indian had on a buffalo robe which completely enfolded him, a circle of eagle feathers on his head, a long stream of them down his back. The smaller of the two men, who had not yet reached the shore, muttered under his breath.

"Picture-book Indian. God damn 'em, I hate 'em." His words were so low that even his companion did not hear them above the rush of waters.

The two men floundered to the bank, the water dripping from their clothes and walked to the mound of shells where with obvious carelessness they laid down their flintlocks. Afterward, and with averted eyes, the smaller of the two spoke to the impassive Indian.

"The headmen are late. Some will come down in boats and others from your side of the river." With half-turned back he sat near the mound and fingered a small piece of shell as if he had no further interest in whatever happened and as if a solitary Indian standing by a small fire were as he expected.

The one Indian turned and walked to the edge of the laurel. In a few moments he reappeared and after him came three others and a boy. The Slave Catcher from Sugam Town; old Abrams from Keowee; the Oconotata from Tal-lassee. Headmen, all of them—proud, skillful in the use of words, skillful in the use of the rifle, skillful in diplomacy, wise in the customs

of their people. One Big Tom, whom they knew as the headman of these insatiable whites from the north had sent for them to hold talk. He had sat with them before in orderly ritual. As if they were rehearsing a play in which they were well drilled, the headmen of the Cherokees walked to the oak tree and sat down by the fire, the boy standing apart. There were no further words. The stage was set for Daugherty's racket; the curtain was raised.

Noise of men moving through the underbrush. Two whites came out of the laurel thicket. Indifferently they sat at the head of the spit of land, flintlocks on their arms. White rushing water; four Indians squatting in silence around a fire; one young one leaning against a tree whose leaves were putting out with the freshness of spring; a bird unexpectedly breaking into song in the edge of the laurel thicket.

Silence until there were ten men out of the laurel and at the head of the spit of land—all of them armed except one who held in his hands a short steel axe, his rifle laid near him. A group, ominous in silence. The Indian who had stood alone when the first two men had crossed the

river rose to his feet. "It is not good that armed men come to a peace talk. We have waited long. Where is Big Tom?"

"He's not come yet," the swarthy Hixon spoke belligerently. He walked over and picked up his flintlock. "There's talkin' to be done with us. There's settlemint for the Daugherty killin'—settlemint with them," he pointed to the men on the head of the spit of land and they moved closer, some of them going to the edge of the water and forming a rude circle.

The Indian was slow in his answer. "It was the work of the young men and they shall be punished. I have promised your headmen to punish those who break our treaties. We are at peace and it is not good that we talk of such things with rifles." He drew his robe closely around him and sat down, carefully lighting his pipe from a coal. His hands were steady, his eyes watchful.

Hixon came to the center of the ring and spoke to his own men, spitting his words from between his teeth. "He sez 'put yer rifle-guns down.' Ain't that peaceful? Ain't that sassy o' him?" He turned to the Soquee. "Hit's your headmen that are liars and dogs. Soon as ever

ye start to talk about keepin' the peace then there's murderin' and killin'." There was perceptible tightening of the armed circle. Two of the whites caught the boy and shoved him toward the center so that he fell. The drama of Daugherty's Racket could not be long denied its ending.

"I have talked of peace for a long time," said the Soquee calmly. "It cannot be said that the headmen of the Cherokees break their promises. The trader Daugherty was in the country set aside for us—"

Hixon stopped him. "And supposin' that Daugherty was here now? What would ye say to him?" He walked over and kicked the Indian savagely for Hixon scorned talk and was eager for his action.

There was startled movement from the other three but the Soquee stilled them with a gesture. Men have pride in the manner of their death for they have faith in themselves and in their traditions. Around him a circle of faces, eyes in which he read only eager thirst for the spectacle of blood. "The headmen of the Cherokees

are not afraid. We are old men and unarmed. You have told us you wanted to talk of peace. Where are your headmen that we may talk to them? I have no word for you."

Hixon stood in front of him, his rifle pointed at the Soquee's stomach, his words half Cherokee, half English. "Too many words outen you, old buck, and I'll blow ye in two myself. Daugherty's the headman o' this racket. Three days ago his wife and his young-uns were livin'. Ye and yer crowd brained 'em. It's brainin' ye'll git. Ye left one o' his young-uns alive. We'll trim the young-un's scalp and leave him. Ha' ye words for that?" He said it over and over again. "Ha ye words fer that?" The color rising in his thin cheeks, his eyes bright, his body tense as a terrier's over a rat.

The Soquee looked at the faces around him and turned his eyes toward the setting sun, his voice clear above the murmur of water which rushed by unheeding. An old, a worthless experiment which life was worn from protecting. A painted Indian, with a robe and a circle of feathers on his head. A story for boys—a picture

for boys to look at. Indians in robes sitting by a fire! Life moistened its sponge—who shall care for that?

“It cannot be said that we are afraid of death.” Pride, human pride—one thing only that was left. An old Indian rising to his feet and looking far beyond the group of a new and strange people who fought for his land. An old Indian sitting down and drawing his robe closely around him setting an example for three others like unto himself as peas in a pod—bowing their heads in pride, waiting for death—a boy cowering in fright that he sought to hide. A picture to be rubbed out in the twinkling of an eye.

Stone Daugherty, strode through the circle, his sleeves rolled high on his great arms, a short axe in his hand. Vengeance for the woman who slept in a shallow grave by the side of a blackened pile of stones, for two boys of three and five tortured on an earthen floor. The head of the Soquee bowed, as the whistling weapon made its first wide sweep in the hands of Stone Daugherty. A spattering of blood back to the plant and the animal that gave it.

The roots of the oak tree searched through

the ground for food—the ants scurried over the earth—human blood good for their stomachs, good for tender young leaves on a tree.

One hour—two hours. The racket of Stone Daugherty was ended, some of the actors gone with a great splashing across the Little River. It was fortunate for the young Indian who alone remained that he lay near the water's edge. Out of his bloody misery he fought for life, fought for strength. His hands groping in the dark found only bodies. Blood covered him, his own blood dripped into his eyes, ran into his mouth. Bitter, stinging pain, burning pain tortured him where the knife of Stone Daugherty had circled. "A bite of the bone but not too deep." The blood would stop dripping if he could reach water. His hands found pebbles that were moist and he put them in his mouth, digging at the sand with his fingers. The soft music of the Little River tortured him—water talking to itself of coolness. A little further and he could stop the blood from dripping into his eyes and blinding him. Water for his swollen tongue—water for the burning fire at the top of his brain. (A minnow swept by the current into the shallows with the

water receding, fighting desperately to save itself. A gored bison staining the water with its floating entrails, gasping to hold its head above the water.) "They be tough devils and hard to kill."

Three squaws ventured from the darkness far up on the hillside. The white men had waded the river after the sun had set. The headmen talked long. The women peered from the edge of the laurel. The fire was dead and there was only brooding silence. The headmen had gone. They might have crossed into the country of the whites. It had been too silent, too strangely silent for a peace talk. Timorously, for this was the work of men, they came to the river front.

One of them slipped and fell over a body with a frightened scream which she sought vainly to stifle. From the river's edge, where the water lapped cold and clear, there was a weak, a childish cry.

Stone Daugherty's crawlin' runner was still alive.

CHAPTER V

IT IS the little things which prey on a body's peace o' mind. Men are unfortunate in that they store up the fancied slights or the good opinion of their fellows as continued prompting for their own egotism.

They had gone back by Hixon's cabin to spend the night, blundering along through the darkness, mainly because Daugherty insisted on it. A man needed a drink, he needed food and more than anything else he needed someone to talk to after doing a thing like he had done. They got to Hixon's camp late.

"What did you do with the young-un's scalp?" asked one of the men casually, after they had eaten.

Daugherty looked startled. "I never gin hit a thought."

"I did," Hixon spoke up quickly. "I be sort o' half charged with hit. He were a tough 'un to hold and if I hadn't ha' clouted him behind the year with the breech o' my gun, ye'd all ha' been fightin' him yit." He fished around in his

clothes and brought out bloody hair with flesh hangin' to it. "It ain't no good nohow," said Hixon disdainfully, "a Shawnee would know hit waren't a buck's."

Daugherty avoided looking at it. "I hope the bastard's dead."

"He ain't," Hixon spoke up quickly. "I've knowed too many o' both sort to git over hit."

Powell fingered it. "Hit's sort o' strange to be totin' 'round the scalp o' a live human. I reckon he'll grow up and sort o' hunt ye out, Daugherty. I hadn't give a thought about that till yit."

Stone Daugherty twisted his hands. "No more me than all o' ye. Ye were all in hit."

"To be sure," said Powell, "there ain't nobody shiftin' the burden to ye. Don't kick afore ye air spurred. The whole doin's were jest sort o' named arter ye. They'll remember ye when the rest air forgot."

Hixon cut in savagely. "Who the Hell cares, if they do? Good God, ain't ye fellers man enough to stand to yer fights? Go tell 'em I done hit, if ye aims to dodge. This here scalp be Daugherty's if he wants hit. If he don't, I'll be glad to add it to a pile I already got." Stone

Daugherty only turned his head as Hixon disdainfully threw it into a corner.

Stone Daugherty leading his pack horses with their loads of furs went away early the next morning with Powell. The racket was over and each man had to pick up the small threads of his living. Daugherty was morosely silent. The savage action of the last few days had not given him time to think—not even time to bother about what he was going to do or where he was going to live. All of a sudden he was acutely conscious of the loss of his home and of the death of his wife and sons. His antagonism against people wakened in him again. Everything that had ever happened to him that was bad was due to people—they had hounded him ever since he could remember—hounded him because he hadn't given in to them—because he had wanted to live his own life and do as he pleased. He hadn't raised a hand against the Cherokees—they never would have minded his living in the Little River valley. It was because of all this talking and because some of the whites were so anxious to get rights from the Indians. A man who didn't want land could go down in

the Indian country and could live by them and they'd never say a word. He couldn't shake off memories of the death of his wife and the torture of his two sons. E'God, they'd paid for that. There was nobody who could say that he hadn't paid them back. Four for three were good measure.

They got to Powell's place at dinner time and Daugherty found Jane in the care of Powell's wife. She was a big, raw-boned woman who curiously enough had had but one child and he had been killed in a skirmish with the Indians. She seemed to be "more'n glad to have Jane to tend." Perhaps the Powell woman didn't feel that she had done right in having just one child so she did her best to make up for it by serving as a midwife for other women.

Daugherty looked at the sleeping Jane. Memories of his wife came back to him so strongly that his mouth shook under his beard. "Hit's hard to lose yer folks," said the Powell woman sympathetically. "I reckon I knows fer I ain't never quit grievin' and hit's been nigh to ten years." She lifted up the sleeping Jane. "I be

more'n glad to keep this 'un. I sorter likes the feel on 'em in my arms."

Stone Daugherty was busy with his own thoughts. "I aims fer ye to keep hit fer a spell. I'll be gittin' on to the Carolinys with my truck but I'll pay ye well."

"I don't need no money fer her keep," said the Powell woman quickly. "I done tole ye, I likes the feel on 'em." She took the child in her arms and hurried away with it, as if she were afraid.

Stone Daugherty turned to Powell. "I'll be gittin' on in the mornin', then."

"Ye ain't tole the woman 'bout the racket?"

"I ain't."

Powell looked uncomfortable. "The women-folk ain't needin' to know much about hit. I was settin' here stedyin', Daugherty, and I'm sort o' bothered about what Big Tom and them that's aimin' to run this here state o' Franklin, I thinks they calls hit, is goin' to say 'bout this here racket."

"It ain't no sayin' o' theirn. A man's got to look arter his own."

"I knows that but there's been a sight o' talkin' betwixt him and this old Soquee and a fixin' o' some sort. You and me ain't givin' a God damn, but I'm thinkin' hit's more'n likely that we ain't heered the last o' this. I'd set sort o' still 'bout hit. Let 'em find out fer their-selves. Hit's you and Hixon they be goin' to raise Hell 'bout, if hit be knowed. It waren't no ordinary racket."

Stone Daugherty left early the next morning with the Powell woman up and fixing breakfast for him with a sort of nervous eagerness. "Don't ye bother 'bout the young-un," she said to him. "I sort o' likes the feel on 'em and don't ye bother 'bout payin' me nuthin'. I'll keep hit and you be more'n welcome."

"I'll be back in nigh to a month," said Stone Daugherty, "and I'll pay ye well."

Stone Daugherty did come back in a month's time, his horses sold and with no further stuff for his trading. He had been drunk for the better part of his absence. A querulous, mean drunk at that. Shut his lips as tightly as he could, when liquor had him, he could not keep from com-

plaining—not altogether open complaining about what had happened to him but constant, nagging fault-finding with people, and mouthing about himself, about how he had been badly treated. It made him disliked. “Aw, shet up. A great big brute critter like you, whinin’ like a kitten. Get to the Hell away from here and git to work.” That was what he needed, work for his hands—his brain was a torment of misery that he tried to stifle with whiskey. He’d go back and find out how his young-un was.

Yet long before he got to the Powell place, he heard a scattering of rumor. There had been much worse fighting on the Indian border than ever—bloody fighting with reprisals over a wide territory. Hixon had been right about that. The bucks had come out of the towns like bees out of a hive. And the soldiers under Big Tom had marched down into the Cherokee country and even to the town of the Chickamaugas and burned them out—for a while at least. The Cherokees were back in the mountains and the Little River valley was safe for settlers. The grave of a woman and two sons—a grave “tromped in” and near to a pile of blackened

stones was responsible for that—perhaps it was a sort of unwitting sacrifice on her part but Stone Daugherty never thought of that.

He did not know how much real trouble there had been in the country during the month that he was away until he got back to the Powell place.

Powell's woman was sitting on the outside of the house under an apple tree when he rode up and the child Jane was lying by her on a blanket. As Daugherty got off his horse the Powell woman reached down and took Jane into her lap—otherwise she was strangely still and said no word to him.

Stone Daugherty walked over and looked at the child. "You've took more'n common good care o' her."

The Powell woman's face did not change. She talked with her mouth half-shut. "It waren't no bother to me. She's a good young-un."

There was little else to say—she sat there looking straight in front of her, her mouth still set in a straight line. "I aim to stay around a spell," said Daugherty, "I'm plumb wore out with the folks beyant the mountings. Whar's Powell?"

It was queer that she didn't answer him only bent her head over the child Jane. He waited for her to find words. When the Powell woman looked up at him, her eyes were still hard but her mouth shook.

"I ain't seed him in nigh to three weeks. I set here a-waitin' and a-waitin'." She turned her back to him and walked steadily into the house and left the child.

Afterwards she came to the door. "I ain't got much but you're more'n welcome to bide here fer yer dinner. If hit ain't no bother to ye, ye can leave the young-un and I'll be more'n glad to look arter hit fer nothin'. I ain't got nobody else to look arter."

It is the little things which prey on a body's mind. Stone Daugherty left the Powell woman and went over to the McDermotts. He had been able to get nothing much from the Powell woman but monosyllables. He learned from John McDermott that Hixon had been found not far from his house with a stake driven through his stomach and there was no question that the manner of his death had not been hurried. Powell had simply disappeared as if the

earth had opened and swallowed him. Stone knew quite well that Powell's woman would sit and wait for him for a long, long time before he would ever come back. It wasn't a pleasant thing to think about and it made him uneasy. He could leave Jane with her a while until he made his plans. A man without a woman and with a young-un like he had, had a lot to think about.

"E'God, there waren't nobody made him welcome exceptin' fer a show,"—not even the McDermotts who said little to him. After he had been with them for a week Stone Daugherty went over to the Forked Creek church house to a meetin'. He didn't 'care nothin' 'bout goin' to meetin' 'cept it were a placet to talk. If there waren't work a body had to see people. After the preacher was through for the morning, the men were standing around. They started talking about the trouble with the Indians, looking at Daugherty curiously. Nobody seemed to take him into the conversation so he brought up his own notion. He felt that they left him out of a purpose.

"A man's got to take care o' hisself and do his

own fightin'. I think the damned heathens ha' got to be taught a lesson." One of the men turned on him savagely.

"Shet up 'bout that, will ye? If it hadn't ha' been fer you and yer tryin' to take yer killin' to yerself, I wouldn't ha' lost my brother. I ain't no more use fer a damned Indian than any o' ye but there waren't no use in trickin' the Soquee and out 'en out murderin' him. I'll fight 'em day 'er night but a feller ought to act white. Ye and yer gang nigh to ha' wiped out the settlemint."

Stone Daughtery sulked. "A body's got to take keer o' his own. I'm goin' to git outen this placet where a body ain't cared for."

The man who was talking to him sneered, quite unafraid of his huge bulk. "There ain't nobody holdin' ye. There be leetle enough rest in the settlemints anyhow. There's still talk o' tryin' ye and I wisht they would. I ha' heered that the young Soquee and two or three o' the bucks ha' swore out a sort o' special feud agin ye and that's more botheration."

"He ain't nothin' but a boy."

"Boy or no, he'll grow. Ye gin him a powerful hard time and he ain't goin' to fergit ye.

Some night he'll drill ye from behindst a tree. Hit ain't good fer the settlemint. I'm plumb wore out with fightin'. A body's got to raise corn. This fightin' is fun for the boys but hit's death to the frogs. The women and young-uns be the frogs."

"Ye ought not to be so sharp with that big feller," said one of the men after Stone Daugherty had left, "some day he'll beat Hell outen ye."

"Ye let me skin my own skunk. I can't see no reason why abody is skeered o' that big steer. I'm wore out with his blowin'. He ain't goin' to stay 'round here if I can tole him off. We-uns ha' got to hate him out o' here. I seed him turn white around the gills when I sez to him the bucks were arter him. By God, he run'd off when they were fightin' and by God, he can run now."

There was plenty of liquor to be had and Stone Daugherty had the money to buy it. Liquor seemed to help burn up the energy of his body which cried for release. There wasn't anything for a man to do in this country unless he farmed. What the Hell did he care about

farming? If you built a house it was more'n likely to be burned up. A Stone Daugherty trapped in a mire of inaction, his great body helpless when it needed the strain and the fight of pulling a loaded horse out of a creek, or the struggle of gittin' to the Cumberland without no more'n a knife. A Stone Daugherty always mouthein', before stupor had him, about people treating him so badly and bringing up voluntarily that the whole trouble had been left for him to shoulder. "The whole lot o' bucks arter me, E'God."

"Who's arter ye, Daugherty? Ha' ye run off with some man's woman?"

"To Hell with women. O' course they be arter me. Hixon he cut off his scalp. Hit weren't none o' me. Hixon he brung hit back to the house and he throwed hit in the corner."

"Well, if I were ye and lived so clost to the Indian country, if I were skeered and drunk like ye be, I'd move outen' here." He was in a slough of weakness.

The Powell woman was sitting under the same apple tree. She sat there because she could see

up and down the creek bottom. If a man should be coming home, he'd come one way or the other. The child, Jane, was on the blanket by her and the Powell woman was busy sewing for her on a rough little garment but she took great pains to smoothe it. The Powell woman had two brothers who lived not so far from her and they had tried over and over again to make her move and bring the child with her but for reasons of her own, the Powell woman had steadfastly refused. If they dropped in to see her unexpectedly there was always plenty of food for them. "Why do ye keep so much victuals handy, Nancy?"

"I aims to use 'em." She had walked quickly away.

The Powell woman was sitting under the apple tree and even though she was busy with her sewing and busy in her tendin' o' Jane, there was no hawk which would have seen the movement at the fur end of the field more quickly than she did. Her cheeks paled and her mouth tightened but she went quietly back to her work again so soon as she caught sight of Daugherty.

Stone Daugherty was thin, his head sunken

on his breast, his arms dangling. He got down from his horse with slow, dejected movements. The Powell woman saw with just a glance that he was going away and her heart sank in fright. She reached down and picked up the child, Jane, holding it close to her breast. "Ha' ye et?" she asked him, eager to hide the fright which swept her.

Stone Daugherty shook his head. When he followed her into the house, and while she brought him food, he said nothing though he marveled at how much she had ready and waiting for him. When he was finished, the Powell woman stood off to the side with her back turned to him. "I aims," said Stone Daugherty slowly, "to be git-tin' up towards the Wautauga. Hit ain't fitten that I stays here." His hands shook although the Powell woman knew that he was sober.

Her back was turned to him. "I'm a lone woman but I got two brothers livin' nigh to me. I can keep the young-un fer ye till ye git's back."

"I ain't comin' back," said Stone Daugherty dejectedly. "There ain't nothin' fer me to do in these parts."

The child, Jane, whimpered and the Powell woman patted her. She turned so that she could catch a half-way look at him. "Ye got women-folks somewhere's who can look arter a young-un?"

He never sensed the tragedy in her voice. "I'll find a placet fer her."

"Ye'll carry her on horse?"

"I ain't never comin' back. I'm done with this country."

The Powell woman sighed. "There ain't none ever comes back. I'm old and wore out from waitin'. She were sort o' comfort to me, especial in the night time. Air ye sure ye can take keer o' her?"

"I'll stop along the road," said Stone Daugherty. "I knows hit well from here on. There be women who'll be good to hit." He fumbled in his pocket and brought out some money. "How much does I owe ye?"

The Powell woman's voice was low. "Ye ain't owing me nothin'. I likes the feel on 'em. She be a sort o' comfort to me, especial in the night time."

THE SECOND ENEMY

CHAPTER I

In the Month of March, 1802.

It was warm for March. The wife of Will Long stood in the doorway of their house and looked out with a feeling of contentment. Will Long was somewhere out of sight around the corner, making a hauling sled with sourwood runners, and there was cheerful sound of hammering. The wife of Will Long, broad of bosom, large and capable of hands, fitted well into the background of the sturdy log house, the neat, orderly out-buildings. The inside walls were fairly covered with the display of clothes which she had made. At the upper end of the field which had a rail fence around it, a figure came out of the woods.

"There's a man comin' down the creek bottom," said the wife of Will Long, her voice calm and placid.

Will Long came around to the front of the house where he could get a view of him. "Hit's Stone Daugherty," he said with a casual glance,

"I'd know that ganglin' walk anywheres." He went back to his work.

The wife of Will Long turned to the inside of the house. "Here comes yer paw, Jane. Put on a clean dress, if ye can find hit."

Before Stone Daugherty had time to reach the house, Will Long had brought his sled runners around to the front, so that Stone Daugherty, who walked up and leaned his rifle against a tree, found him busily at work. Will Long was always busily at work at something, even when he talked. He was shoemaker, blacksmith, wheelwright, as the occasion demanded, and above all else, a farmer. A squarely made man, steady in pinches. He was "right proud" of his house, which had four rooms, a lean-to, and a front porch, all of it built with more than ordinary skill and an eye to comfort; he was proud of his road, passable in most weathers, which led to Jacksboro; proud of his "tub mill" where he ground his own corn.

"Ain't seed ye in quite a spell," Will Long's voice was neither friendly nor cold.

Stone Daugherty sat down and leaned his back against a tree. "I've been clar down to Augusta

haulin' up a load of salt. Whar's the young-un?"

Will Long did not look up from his work. "Sally, send Jane out." He tapped on the runners—"A peart young-un. A-fore long some man'll be takin' a shine arter her and she'll leave ye."

Jane was changing her dress and Stone Daugherty seemed to be impatient. It may have been that he was only restless, for he and Will Long were never comfortable in each other's presence. "I know she's a sizeable gal. She's about growed enough to be earnin' her own salt. Come next Thursday I aims to take her up the cove."

Will Long thought about that for a time in silence but it seemed to bother him for he stopped his work and looked intently at Stone Daugherty. "You be away a heap and ye never got your placet fixed up beyant a camp. Hit'll be sorter strange fer Jane."

Stone Daugherty did not answer him directly, for the wife of Will Long came out on the porch with Jane following her. "A right peart gal, stout enough to earn her own salt." A serious-eyed, resolute girl of fourteen, in a clean, home-

spun dress, her sturdy legs, stockingless. She stood awkwardly waiting for her father to speak to her. He said no word to Jane, only taking a quick look at her. They were all silent until Stone Daugherty spoke again. "Come next Thursday," he said, with a half-conscious smirk, "I'll come and git Jane."

Sally Long had eight children but ever since Stone Daugherty had brought Jane to her, she was quite as one of her own—and that had been nearly thirteen years before. Jane was always ready to do what was asked of her. The wife of Will Long wasn't going to lose her without a struggle. "Hit'll be lonesome fer a gal like Jane to be in the cove. Ye ain't stayed there regular since the placet were built."

Stone Daugherty rose to his feet as if further words were useless. "Hit ain't goin' to be lonesome. I'm stayin' home fer a spell. I'm marryin' me a woman, come next Sunday."

The wife of Will Long said only, "Law's ha' mercy."

"Gal in the settlemint?" asked Will Long.

Stone Daugherty was obviously going. "Nigh to the Virginie line. The woman I'm marryin' is

a sort o' young-un and she'll need company. The gal can help me git the placet fixed."

He slouched down the path.

No one had spoken to Jane so she stood awkwardly for a few moments and then went back into the house. Will Long tapped on his sled runners, nailing them into place. His wife stood in the doorway watching Stone Daugherty.

"I wonder," said Will Long, "what sort of a gal Daugherty's got to be a-marryin' him. I dunno why but I be sorry fer her."

His wife was more voluble. "A body ought to be more'n sorry fer any woman to marry a critter like him. He's plumb mean when he's drunk and he ain't a man fer no woman to keer fer. He gads around too much." She looked at Daugherty's retreating back and sighed. "Hit's Jane I'm botherin' fer. I've had the keep o' her fer so long that she be like one o' my own."

Will Long stopped his work and sat down on the steps. "I ain't never liked him more'n common—he's too shiftless—makes me oneasy, but I can't lay words to hit. He's her paw and there ain't no gainsayin' him."

Sally Long started indoors. "I wisht I knowed

he'd be good to her. I ain't feelin' right about hit in my mind, but I can't lay words to a feelin'. Law's, think o' Stone Daugherty gittin' married. I'd plumb fixed in my mind that he were a widder man."

"Well, don't say nothin' to Jane. If her paw wants her, we-uns can't raise a hand agin hit."

"I ain't no plumb fool," his wife's voice floated to him. "Go tend to yer own doin's," but Will Long just smiled at that. He liked for Sally to "git him told," when he needed it, and she never hesitated to speak her mind. "She'd ha' told Daugherty if she had a chance," he thought. "That woman ain't skeered o' nothin', not even me."

Will Long went to some of his numerous jobs but he was bothered considerably about Jane and he brought the subject up again that night after the children were in bed. "What sort of a woman you reckon that feller's got to marry him?"

"There ain't no tellin'," said his wife. "Women folks is fools when it comes to marryin'. Ye can look at me."

Will Long laughed at her. "You got a pretty good man, I reckons, and a pretty good house, ain't ye? I takes ye to Jacksboro nigh to oncet a month, don't I, and ye buys all sort o' trash."

She didn't pay any mind to him. "If that big critter ain't good to Jane she can come back when she wants. She's more mine than hisn, fer I ha' had the raisin' o' her."

"A paw's liable to be good to his own dotter," said Will Long sleepily. "I wouldn't bother about hit. I just don't choose that feller myself. I reckon I ain't seed him more'n a dozen times since he been in the cove and hit not over five mile. I ain't heered no good on him in Jacksboro. He keeps his head full o' bumble-bee whiskey. I ain't no use fer a blow-hard."

"Ye ought'n to never have brought him here. He's got his face set agin the world o' humans."

"Ain't disputin' your word about that," said Will Long, "but if my head don't serve me wrong, I remembers tellin' you about him comin' to Jacksboro nigh to thirteen year ago and him havin' a young-un what's maw were kilt by the Indians. Hit were you, as I remembers,

that were plumb set on takin' him in jest so ye could git yer hands on a leetle-un without no maw."

"Well, I ain't a-carin' if I did. Jane's been more'n a comfort to me and she's been more'n wuth all I ever done fer her, effen she is got a triflin' man fer a paw."

Come Thursday and Jane was ready, so far as her own simple packing of clothes was concerned—three dresses which she and the wife of Will Long had made themselves, even to the spinning of the wool and weaving of it—a pair of shoes which had been fashioned by the capable hands of Will Long—two pairs of knit stockings, and a few minor things which belonged to her and which were of no great importance. There was little to be said about her going. Jane had been with the Long family for thirteen years, had grown up with the rest of the children, scarcely conscious that she was not one of them, except for the few times that she saw her father whose goings and comings were as he saw fit. To her they were only rare visits

from a tall, bearded man, who looked at her casually and never said direct word to her. It was no easy thing even to imagine that she was to go away with him, but it was impossible to imagine that she did not have to do as he said. The people who were grown—the kind wife of Will Long, and even Will Long himself, seemed to be so absolutely certain that if her father said for her to go with him that she must. If there were any grieving about it, or any inward feeling of unhappiness, it must be hidden. Children had no say in such things and there was so much to do that grown people couldn't be bothered with their problems.

Yet early Thursday morning, the wife of Will Long took Jane into a room and shut the door against her own children.

"You've been a good holp to me, Jane. You've holped me with the young-uns and I've thought on ye like one o' my own. Yer paw wants ye and a dotter can't gainsay her paw. Ye must git away and come down the creek to see me when ye be able."

"Yes, marm," said Jane, looking at her

gravely, for the child took herself seriously, always doing the best that she could not to be a bother.

"Hit's a woman's job to keer fer the men folks by the keepin' o' the house. Yer paw ain't got much of a placet but now that he aims to git him a woman, I reckons he'll fix hit up. I'm hopin' that a-fore long, some man'll take a shine arter ye and ye can have a placet o' yer own." She helped Jane put on her best dress, smoothing out her hair with her broad hands and getting her a gaudy ribbon to tie it up. "Law, child, I ain't wantin' no ribbon. Hit's fine on yer. Yer paw ought to be proud on ye and I wisht some young feller could see ye."

Stone Daugherty came about three hours by sun. It was five miles to his house and a-body had need to make it afore dark, for there was only a dim trail which led up the creek bank. Stone Daugherty had built the house when he first moved to the Jacksboro settlement. He had built it himself without even asking Will Long who was his nearest neighbor to help him. No one knew, or cared for Stone Daugherty's com-

ings or his goings, and no one ever went by to see him.

When Will Long saw Stone Daugherty he stopped his work in the field and came to the house. The older children stood around awkwardly. Whether it was a good or a bad adventure, Jane was going away and would see new places and new things—that should be recompense for anything.

Jane had packed her few belongings in a box. Her father said very little beyond that they'd have to be gittin' on afore night set in. The wife of Will Long held out an awkward hand which Jane took with embarrassment. Will Long patted her on the head. "Take keer o' yer paw till his new woman comes." Her father swung the box which held her few clothes onto his shoulder and Jane Daugherty, giving only a swift look at the wife of Will Long who stood in the doorway shamelessly wiping her eyes with an apron, walked down the path after the figure of her father who stalked in front of her.

As Jane and her father walked through the Long clearing she wanted to look back but did

not dare. They had gone a full mile before he spoke to her.

"Look here, gal, quit lookin' like a sick kitten. There ain't nobody goin' to hurt ye."

"Yes, sir."

"Can ye make bread?"

"Yes, sir."

"And ye mind how to keep the fire o' nights?"

"Yes, sir."

"And ye air a good hand at keepin' up a place and doin' women's work?"

"Yes, sir."

He sunk into a long silence which lasted until they got to their cabin. After the cheerful place of Will Long's, it seemed forlorn and her heart sank. Just the two of them—she and this strange man who was her father and who did not talk to her would live here together. Her confidence left her but she set her chin resolutely.

Stone Daugherty watched her as she started to fix supper but his impatience got the better of him. "Ain't nobody showed ye how to make bread? Git outen the way. I ha' cooked a lot o' bread in my time. I allus were a good hand at

women's work, and I can shake up a meal as quick as any on 'em if I ha' the mind to hit." She was tremulous in fear that she would do things badly, yet nervously eager to please him.

Even supper was over after a time. Jane Daugherty undressed and lay down on a pallet on the floor. Overmastering homesickness swept her for the cheerful warmth of Will Long's house—the knowledge that Maw Long was waiting to comfort her, but she shut her lips, holding back the tears which started in her eyes—resolutely quiet—watching the firelight leap on the walls and not daring to talk to her father, who sat with his back to her, his legs stretched out to the fire.

Stone Daugherty left early Sunday morning, going on horse across a divide and saving much time in getting to Jacksboro. Three days had not broken down the impenetrable wall of reserve which existed between them. It was not even necessary to tell Jane that he was going after his new woman. She understood that when he said to "have the victuals on and cookin'"; she knew that there would be two of them to come back. But he told her nothing about who

his wife was, or where she was from. There were only innumerable little commands which she was to execute—the sweeping of the house, the cleaning up of the litter of trash around it, the cutting of kindling wood. She felt like a very small child who was entitled to know nothing about the doings of her lordly and dominant father who would have lost caste in his own eyes by telling her anything of himself.

They were to come back in the afternoon and she was nervously looking for them from mid-day on—nervously wondering if she would get her work done properly. In some strange way, she who had never had any responsibility was of a sudden entirely responsible for the house, the cooking. A sudden growing up which she was forced to assume.

She was bending over the fire, her back turned to the door when her father's voice startled her so that she nearly dropped an iron kettle. He was in the doorway and outside she could catch the glimpse of a woman's dress. "Come here Jane. Here's yer new maw." He laughed shortly but his voice was kinder than it had been. Jane

wiped her hands on her dress and walked to the open door.

It was not a woman—not a broad-bosomed, broad-hipped woman like the wife of Will Long. It was a girl who stood waiting on the outside. A girl, certainly not much older than herself, who stood submissively, meekly behind Stone Daugherty. A slender girl with a childish pretty face, straw-colored hair that crept out from beneath her bonnet, obviously new shoes which hurt her feet.

She came inside timidly. Stone Daugherty swung a box which he was carrying to the floor. "It's my daughter Jane. I've named her to ye." He seemed to be jovial, completely at his ease. Jane held out her hand shyly, impressed with the gravity of her own position and overawed by the fineness of this strange girl's clothes. "Pleased to meet ye," she said, as Maw Long would have spoken. "Pleased to meet ye," said the strange girl, in a thin, frightened voice, her childish face crimson from embarrassment.

To his daughter Jane's uncomprehending eyes, Stone Daugherty was more than good-

tempered, proud of his house, unbending from his reserve. He was a lordly, dominant male, letting two women into the intimacies of masculine fellowship. He took down his flintlock from the rack. "Hit's a powerful good piece and ha' served me well in hit's time." At his suggestion they went outside and he put a tiny chip on a distant stump. "Hit's done so—watch now." He held the rifle to his shoulder where it seemed to turn to stone. He laughed when the chip spun into the air. "And hit sidewise. There ain't nobody that can knock 'em as good as me. You'uns ought to have plenty o' good meat with Stone Daugherty providin' fer ye." But he could get no answering enthusiasm from the two awkward, embarrassed women, nor did he perhaps want it, content within himself.

Then they went inside for supper, Stone Daugherty sat down in one of the two chairs and pulled the other beside him for his wife. "Let the gal wait on ye. Hit ain't much but there ain't no use in bein' finicky." His woman ate sparingly. She seemed to be afraid, turning her eyes to Jane for sympathy, nibbling at her bread and sucking her fingers when there was

the luxury of sugar on them. She had said nothing as yet, except to answer in her thin, childish voice, the questions of Stone Daugherty.

He was determined that this new woman of his should be impressed by his authority over his own daughter. "Let the gal wash yer dish and come set by the fire and warm yer feet. Take off yer shoes fer there ain't nobody going to look at ye, but yer lawful husband." She did as he said but Stone Daugherty sat and looked at her bare legs so that in sudden embarrassment she covered them with her dress. She was so confused that Jane was glad that she could busy herself at the back of the room. Anything was better than to have to watch the misery of this strange girl who, in some curious, unexplained way, seemed to be younger than she, and already dependent upon her.

There was only one bed in the single room, and Jane had thought that possibly the strange girl would sleep with her on the pallet. It was full dark and human beings must be to their sleep. She, herself, could manage to undress, had managed it before, by going into a corner of

the room where it was dark. There was nothing about that to bother a person.

She was hesitant, not daring to go up to the fire, vaguely uneasy. Her father would do something to this girl. It was something which was wrong. Jane had been looked upon as a child by the Longs, never going anywhere, where there were strangers, unless it was with the wife of Will Long, never seeing other children except those in the family. The wife of Will Long, who was the virtuous mother of eight, would not have dared to talk to her except in generalities. "Hit ain't nice for young-uns to hear all that misery until they has to. Hit ain't decent. Hit's just part o' women's woes."

It was better that she undress and turn her face to the wall. Her father spoke to her, and his voice was strained. "You-uns," he said, "go outside and set fer a spell."

Jane went to the door, looking back at the girl with straw-colored hair in curious wonder. The child-face of Stone Daugherty's new woman was deadly pale and she made instinctive effort to get to her feet but Stone Daugh-

erty caught her in his great arms as he half shoved his daughter through the doorway.

Jane Daugherty came back into the house, shivering with the cold, her clothes wet with dew. This torturous punishment which women had to endure for the satisfaction of men had something to do with babies. She could not forget this strange girl's look of fright at being left alone with her father. She opened the door timidly.

Stone Daugherty was standing by the fireplace, a heavy scowl on his face. He gave her no word. From his bed, there was a low, steady, whimpering from beneath a pile of cover. Jane Daugherty tiptoed silently to a corner and undressed, her teeth chattering with cold.

CHAPTER II

In the Month of September, 1802

THE town of Jacksboro drowsed in the heat of early September. It was, at best, but a straggling village with its houses and stores, for the most part of logs, set in the semblance of a rude square around the court house. For the better part of the year its streets were of mud, but now there was stifling dust which swirled blindingly with the puffs of hot wind. A few ox-carts creaked slowly to apparently indefinite destinations. Horses, their heads hung low, were tied to racks in front of stores.

Near a grog shop and under the shelter of a tree, a group of loungers were idly watching two men taunt each other into a horse swap. It bid fair to be a long and tedious process, with much noisy unrestrained laughter, with now and then a visit to the dark interior of the building which sold both corn whiskey and Jamaica rum.

An Indian trader, who belonged to one of the

big companies operating out of Baltimore, came out of the grog shop wiping his mouth with the back of his hand, and idly looked across the square. He was in charge of a pack train, laden mostly with plows and farming tools, and had stopped for a few days in Jacksboro to rest his stock. The trader looked across the square toward the court house. He hesitated for a few moments, undecided as to whether or not he should listen to the horse swappers but finally yawned extensively and started across the dusty square.

The court house in front of him was a new building and much to be admired. It was all of logs, roofed with hand-hewn shingles, the floors of puncheon boards securely fastened with wooden pegs. There had been much to do over its building and a great deal of free advice from people throughout the country who had journeyed far to help in its erection. There was great pride in it. It is true that there were some architectural mistakes, the main one being that the court room was put on the upper floor with the jail on the ground level. It was found afterwards that the little court room could not in

any sense accommodate the people who wanted to hear the trials, and that there could be no looking through windows, no craning of necks. However, the lawyers did, for the most part, speak loudly enough so that they could be heard in the square. The court room was reached by steps which led up on the outside of the building.

The trader from Baltimore found the jailer, who lounged in the doorway, an exceedingly garrulous person. "I hearn," he said by way of introduction to him, "that you air goin' to have court in the mornin'."

The jailer took his feet down from a bench. "Yeah, hit's the fust meetin' o' court in this county. There be a lot o' jawin' due about land and," his eyes brightened, "we-uns will be tryin' a murder case. I got the feller in jail now."

The trader from Baltimore smiled tolerantly. "Where I come from there be a lot o' trials fer killin's. There be some who favors to set around and hear the lawyers but less'n it be special good, I ain't got no time fer to be a-listenin'. I got to be on the road a lot. The company took me on,

fer they sez I were hard enough to come down acrost the mountings to Tennessee. 'Hit ain't no easy country' they sez. 'Well,' I sez, 'I ain't nobody's baby,' I sez. 'I stole chittlings outen my mammy's fat gourd, when I were a year old,' I sez, and they gin me the work. What sort o' murder case you got here?"

The jailer looked important. "Hit's a onusual case. A feller named Daugherty. Hit's said he kilt his woman. She were a new one he never had but three months. Soon shet o' her. There's a powerful ruction raised about hit in the settle-mint nigh to Jack river. Do you-uns want to see him?"

"Well, if hit ain't no trouble to ye."

The two men walked into the darkened interior of the building. Outside the white heat of September covered the square and the trader blinked his eyes in the sudden darkness. "Christ, God, hit's a placet fer owls."

"Hit ain't so bad when ye gits used to hit," the jailer unlocked a passageway and pointed through a barred door. "He's thar!"

The trader from Baltimore peered into the

gloom to where a figure sprawled on a plank bed in the corner. "He ain't much to look at but he must be a powerful big 'un."

The jailer laughed casually, seeming to look on his prisoner as a "dumb critter," which he was keeping for an ultimate slaughter. "He'll be a powerful long 'un to hang, and we-uns will have to git a high tree. This here'll be the first legal hanging in the county. I reckon hit'll draw several folks."

They had no word from Daugherty, who never turned his face from the wall, so they walked out and sat on the steps. The trader leaned back against a post and picked his teeth with a long-bladed knife.

"Fer what did ye say this big feller air to be tried?"

The jailer took a large chew of tobacco and spat reflectively. "There be some sayin' he kilt his wife and some sayin' he never. There be talk that he bruk her neck with a axe handle. From what I hear's, hit's the critter's own dotter that's swearin' agin him—"

"Her own maw who were kilt?"

"Naw, she were Daugherty's second woman. Hit's said by some that this here Daugherty were the one that started a racket down in the Cherokee country, when his first woman were kilt. Hit's norrated around that he kilt a whole gang o' Indians single handed. You goes down in the Cherokee country and mebbe you've hearn on hit."

The trader was only mildly interested. "What did you say his name were?"

"Daugherty."

The trader thought for a moment and of a sudden slapped his leg. "Well, I'll be God damned! To be sure, I've heered on him. I wonders if hit might be Stone Daugherty?"

"Hit is, fer a fact."

The trader got up to his feet. "I mought name hit to him."

They went back inside and the trader from Baltimore peered through the gloom again. "Is yer name Stone Daugherty?" There was no answer. "Yer needn't be so techeous. I were just askin' yer. I does a sight o' trading in Chota. Yer ain't forgot that name, ha' ye?"

Daugherty turned and glowered through the darkness. "Get to the Hell ouden here and leave me be."

His tone was threatening but the trader from Baltimore only laughed. "I just thought I'd tell ye that they ain't never forgot ye. Only last trip the old man's son arst me to keep a look out fer ye. I thinks hit were a sorry trick ye done."

Stone Daugherty got up from his bed and crossed the room. "Ye git ouden here, God damn ye, I've had enough o' yer mouth." His tone was so menacing that the trader moved back a step and was immediately ashamed of his instinctive fear. "You go to Hell," he said. "If hit weren't that they were goin' to hang ye, I'd sick 'em on ye."

They glowered at each other through the bars of the door. "Ye need hangin' to make ye civil," said the trader from Baltimore, but he led the way out of the jail to more agreeable sunlight.

"How come the ill-natured brute kilt his woman?" The trader was still sullen for he had resented Stone Daugherty's anger and his own fear.

The jailer leaned over to him and whispered. "Well, the Hell!" said the trader, "that ain't nothin' to kill a woman about. He could ha' kept her fer a cook and got him one somewheres else for his pleasure."

"Well, I never knowed him powerful well before the killin'," said the jailer. "There weren't none o' the boys liked him. He were allus strut-tin' and a-gobblin' when he were drinking, and there were some got to laughin' about him behindst his back. There weren't none o' them doin' hit to his face, fer he were sort o' savage." It had been a very long speech for the jailer and he looked sheepish. "I dunno why I talk about that feller so much. He ain't never said a word to me since he's been in jail. I shoves him in his food like he were a wild brute."

"Well, from what you tells me, you ought to take your pleasure in hangin' him," said the trader. "That Daugherty's got them that remembers him down below here. I ain't never got the straight on hit yet, but there's them who'll be glad to larn if he's hung. The ill brute." He got up and walked over to where the lounging

group were still intent on the horse swap, leaving the jailer to doze in the hot afternoon sun.

The town of Jacksboro, in reality, was much excited over the opening of court, set for the morrow—storekeepers had laid in special supplies, itinerant street vendors were busy fixing up their wares, but the keeper of the single inn which the town boasted had been the most excited of them all. He was in a quandary as to where his guests should lodge. It was decided after much argument that the three judges who were to sit together on the bench should have two rooms, and that the visiting lawyers, who followed court in a small cavalcade, might occupy together the remaining three. There were eager preparations in the purchase of food, and a great deal of whiskey and wine laid in stock.

They were expected about dark and the townspeople gathered in force around the inn. It was natural for the judges and the lawyers to talk far into the night, and there would doubtless be a great deal of first-hand information about politics and what was going on in the outside world, all of it delivered with a

flavor of wit and biting sarcasm. There would probably be a card game and surely a deal of drinking. There was no telling what might happen before morning.

The judges and the lawyers rode into town on horseback in quite an imposing array, and just in time for supper. They seemed to be in the best of spirits and as they dismounted were hilariously sarcastic with each other, which foretold a pleasant evening. Almost immediately they dined roundly and, of necessity, with men who seemed to be unstinted with their liquor, there was a deal of loud laughter and noisy joking, which would be stored up in memory by the listeners for relating around winter fires. "You remembers what that thin judge told the lawyer from Knoxville. He looked him right in the eye and he sez, 'You think you air smart, don't you? I knowed a hound dog who thought he was smart,' he sez, 'There were a lady dog who come into town', he sez.—You remembers how he sez, 'lady dog'?" Even the clothes of the judges and the visiting lawyers were a matter of special attention to the townspeople and those from the county at large, for small clothes were

a rarity in Jacksboro. Certainly there was no reason why one should not stand up against the wall and watch while they ate supper.

When they had finished eating, the judges and the lawyers sat in the large front room and played at loo. Mr. William Blevins, who was the lone lawyer of Jacksboro, came in and seemed to be quite at home in all the serious and light talk. He had miraculously brought out from somewhere a suit of very elegant clothes which he had packed all the way from Virginia. He did not seem to be at all non-plussed when anyone quoted Latin. Mr. William Blevins had rented him a room over a store, where he had deposited a ponderous Blackstone as the only tool of his trade, except an air of importance which was native. Mr. William Blevins, much to his chagrin, had not been summoned by Stone Daugherty. Of late he had withdrawn to his own gloomy reflections, finding these people across the mountains too willing to settle their affairs out of court, especially as to their fighting. Mr. William Blevins was considering something spectacular on his own

account—if he had opportunity he would preferably insult some person of importance.

The townspeople and even those from the county were quite proud of him when he was dressed in such fine clothes—even the judges laughed at his jokes, especially those which he told after he had drunk heavily. Mr. William Blevins did not play at cards with the rest, for he was too poor, although this was by no means to his discredit. He showed that he knew how by standing behind their chairs and correcting them when they made errors. He did manage to get thoroughly drunk before any of the rest, for he had probably not dined so heavily, and was carried to his office and his neglected Blackstone by some admiring friends.

As for Stone Daugherty, he was temporarily forgotten in all the general excitement. He would come into his share of interest on the morrow—for tonight he could lie in gloomy meditation, or in sullen rage, under the court room. Tomorrow and perhaps for several days thereafter, he would be brought out for inspection and entertainment.

Of course, the judges and the lawyers would not be interested in Stone Daugherty's affairs until they actually reached the court room, but there was considerable discussion of his case among the people whose minds were not absorbed with the details of loo or not sharpened by so much drinking. Rumor had it that the only real witness to his woman's death was Daugherty's own daughter—that was certain to make a real trial. As one man expressed it to a group of his friends gathered in the grog shop. "Hit ain't exactly fitten fer a gal to turn agin her paw. Hit ain't accordin' to nature and God's law neither, fer that matter."

"Hit's gettin' to be a bad time with the young'uns, anyhow," said another. "Nothin' like hit were when I growed up. There be too much seein' and visitin' amongst 'em. Hit puts bad notions in their heads. When I growed up 'bout all I had were a hickory shirt and a tannin'. Why my paw would ha' licked Hell outen me if I had ha' talked back at him like some do."

Early next morning, a crowd of several hun-

dred persons had gathered in the public square—the ox-carts with their loads of women and children had laboriously battled over rough roads—horsemen had come from the “far reaches” of the county. This was to be the “try out” of their newly elected legal machinery. The court house was to have its baptism of words and there was no lack of godfathers. There was great speculation as to how Sheriff Williams would “call out” the witnesses—how the lawyers would speak, and whether or not Zeb Jenkins would manage to retain his fistic and gougins’ prowess, which had been reserved for another try out. Politics had not yet lost its freshness, nor had it become tinged with corruption or selfishness. There was little or no money to be had and little to be spent—a time when liberty was in the making—when the right of personal freedom meant more than the right to limit the profits of landlords and the parking of cars. Men were interested in minor things—the simple details of living, finding great contentment in essentials, yet taking keen joy in group activity and even knowing the

comfort of some leisure. It was not the savage world in which Stone Daugherty had been nurtured.

The women folk almost immediately plunged into an orgy of shopping. There was sugar to be bought—some yards of linsey-woolsey if there were no loom at home, and all sorts of household articles to be bargained for. It might be months, or even a year before they could come back again. If one's husband were prosperous and were not too tight-lipped, there might be even a yard of ribbon, or a store-bought bonnet for which there would be shrewd bargaining. Perhaps there might be managed a sack of good-smelling coffee, and a bit of taffy for the children, who looked at it wolfishly and gorged great hunks of it, if they had the chance.

The men lounged in the square waiting for the judges to make their appearance. Judges were to be pardoned if they did not get up by sunrise, for they had certainly been awake the better part of the night, or at least until twelve. Bits of stray gossip floated around about the clever things that had been said, and Mr. William Blevins, as the town's one lawyer who

had held his own, was something of a hero.

The sheriff let a few of his special friends look at Stone Daugherty for there was considerable time before court was to meet. "Will ye do the hangin' yerself, Sheriff?"

"I ain't so sure there'll be no hangin'. There's a heap o' whiskey spilt betwixt the counter and the mouth. These here courts is like cattle—there ain't no tellin' which way they'll jump. Effen he gits a good lawyer he may come clar. A heap depends on a lawyer, I sez. There's some can crack a tough 'un."

They were all staring at Daugherty, who had his face to the wall. "A man ought to be hung," said one of them, "if he kilt his woman without no cause. If he ketched her lyin' with a man hit were different. I'd kill my own woman fer that, but fer most things, like bein' sassy and triflin', a hickory is the most they be needin'.

The sun was well three hours high when the judges started across the square toward the court house. They looked to be very imposing gentlemen, with shiny buckles on their shoes and knees—coats and breeches of black broadcloth, high-ruffled collars around their necks

and a great deal of dignity in their manner of walking. Each carried an impressive sheepskin volume under his arm, and they were trailed by a clerk with an enormous Bible which he carried ostentatiously. The judges yawned sleepily and the lawyers who followed looked as if they had been up very late—indeed, as if they had not been to bed at all.

The procession stopped at the foot of the steps and there was much handshaking with the sheriff and the new county officials who exerted themselves to be agreeable and who were much flattered. When this was done, they all mounted the stairs on the outside of the building, Mr. Blevins still holding his own with the visitors and looking quite chipper. His early falling under the table the night before had given him more sleep than the rest. Mr. William Blevins might, at times, be an ordinary human being but now he was obviously lifted up into a new sphere of importance. He was obviously a real lawyer.

As many of the people as could possibly squeeze into the court room, which was not over twenty-four feet square, followed and took

their seats on the oaken benches in the rear, or flattened themselves on the wall in layers. The judges stepped up on the raised platform and took their chairs with grave decorum. So soon as they were seated, the clerk sat down at a table immediately below them and the lawyers sat down behind a railing, which separated them from the common people.

The judge in the center rose to his feet and congratulated the people of the new county on their court house. He had a number of others in his circuit but, as he expressed it, he was sure that this new one, while it was not so fine as some of them, was nevertheless a cradle for true democracy. He touched lightly on what the court house stood for, and traced in a scholarly fashion the history of courts in general. When he was done, he announced that court would meet in Jacksboro every six months for the hearing of cases, both civil and criminal. He then sat down and said cryptically, "Open Court, Mr. Sheriff," as if court were not already open.

The sheriff sat in what was to be the jury box, mopping his forehead for it was very hot.

He rose awkwardly to his feet, turning two shades whiter, but could find no words. The judge in the center who did not seem to be at all surprised, said casually, "It doesn't matter. I'll open court myself," and the time-honored words, "Oyez, Oyez, Oyez," rang out through the room. The judge sat down and the creaking wheels of legal machinery began their long and arduous grind.

There was a little subdued whispering amongst the judges on the bench, but strain their ears as they would, the spectators could not catch a word of it. The center judge who seemed to be the spokesman said finally. "I understand that this court will try both civil and criminal cases. We will take up the criminal docket first. What have you, Mr. Attorney General, for trial?"

One of the visiting lawyers got to his feet. He had a deeply-lined face, china-blue eyes set under bushy, white eye-brows. His eyes could laugh or glitter with rage as the mood, or even the simulated mood, struck him. He was inordinately thin so that his clothes hung upon him awkwardly. He was constantly under the influ-

ence of whiskey and seemed to prefer to work up gradually to a crescendo of drunkenness each night, though to all outward appearances this did not mar his ability as a lawyer—in fact, in the popular opinion, it added to it. He was fond of both sarcasm and laughter and carried with him his own branding iron for the marking of cattle which he took by way of fees. “I understand, Your Honors,” he said, speaking easily, “that there is only one case of a criminal nature for this court to try. The people of this county are either good, or else they have not had time to be wicked. I am not sure which. It is the case of Stone Daugherty, charged with the murder of his wife. A special grand jury has found a true bill against him and I suppose that the case stands ready for trial.”

“Have you an idea, as to how long the case will take to be heard?” asked one of the judges.

“I do not think much over a day, Your Honors. The State is ready.” He said “the State is ready” with a snap, and a defiant toss of his head, as if he knew full well that the state was ready and as if there were no doubt that he held the fate of Stone Daugherty entirely in his hands. A

smooth and dangerous lawyer. Nobody would ever catch him napping.

The judge in the center stifled a yawn, and turned to the sheriff. Instead of yawning openly, the judges always put their hands before their mouths as if they were ashamed of yawns. "The prisoner," he said, "should be brought into court. Is he in jail, or is he out on bond?"

"He's right under where you be settin'," said the sheriff eagerly, "and I'll bring him up in no time." The trial of Stone Daugherty commenced with a burst of noisy laughter.

The sheriff and the jailer who was his chief deputy, both glad of a chance to be of importance, both glad to get out of the unaccustomed formalities of the court room, made their way through the throng about the door and walked down the stairs. The crowd in the square, sensing that it would get its first glimpse of this prisoner who was causing so much legal formality, surged forward. Waving them back, the sheriff and the jailer walked into the darkened interior of the building.

CHAPTER III

STONE DAUGHERTY had not fared well in his long confinement. His cheeks were thin, his eyes sunken. The rugged physique, which had served him in such good stead during the severe exposure of his trading days, was not suited to gloomy inaction. He had thought sometimes with bitterness that he would never live to be hanged, and it had given him a certain satisfaction. He had not been a good prisoner for he had been sullen and had not kept himself clean, a difficult matter under his circumstances for the jail was no better than a cage. He had from the first refused to speak to his jailer at whom he looked with scorn, hating past words the power that the man had over him, and at times meditating as to how he could strangle him. The jail was not too securely built but Stone Daugherty lacked the cunning to try to escape from it, or he may have been afraid, for there was no confidence in him when he lacked his freedom. There had been only a few visitors who had talked to him through the bars—trappers and solitary men

whom he had known outside of the life of the people around him. They talked in low tones of general matters, gave him tobacco and seemed to be embarrassed.

Stone Daugherty, sitting in his cell and hearing the tramp of feet on the stairs and on the floor above, knew that it was the time of his trial. He feared public ridicule more than punishment—more even than hanging. He braced himself, mumbling aloud, "By God, they won't see me a-cryin' and a-snivelin' like a sick woman."

So when the jailer and the sheriff opened the door with the ponderous iron key, which the local blacksmith had wrought with pride, he rose to his feet with such alacrity that both the sheriff and the jailer started. "Mind ye," said the sheriff threateningly, "no rough doin's. If ye try to git away, I'll have six men on ye and more'n that I'll drill ye like I would a dog. Air ye comin' peaceful, or will I have to drag ye?" Stone Daugherty said no word, only his eyes fell and the sheriff, after that, never felt the least fear of him or of his attempting to escape.

Stone Daugherty went out between them,

both men holding to his arms for he blinked and stumbled in the glare of the September sun. The jail had been built as a place to hold prisoners and with that as its primary purpose, there had been little thought of fresh air and light. Stone Daugherty's knees shook as he mounted the steps. It had been a long time since he had really walked.

Because there were so many people of the county who had come to hear the trial, and because there was no way for them to crowd into the little court room, the sheriff halted Stone Daugherty at the first turn of the steps and pushed him in front, so that the people might see him. (A tabloid giving a picture of a man to be hung.)

Stone Daugherty stood and blinked. In front of him were women with children in their arms—men whom he might know, all gazing up at him. They were a blur of faces, but he felt their eyes taking in his matted hair, his untrimmed beard, his dirty clothes. He, Stone Daugherty, who could whip any man out there in front of him, who could outlast any one of them in the woods where being a real man counted. They

looked at him as if he were a dog. They'd come and look up at him like that if he were to be hung—they'd enjoy watching him hung. He turned and mumbled to the sheriff. "I ain't no wild brute fer a show," and welcomed the blessed relief of going up the steps.

When he reached the prisoner's box, where the sheriff led him, Stone Daugherty sat in half-shadow. Here, at least, he was sheltered from the stare of some of these people who hated him or who had come to see him suffer. He kept his eyes on the floor in front of him, conscious that he was given intense scrutiny by the judges, the lawyers, and the spectators. Mentally, he braced himself by repeating over and over, "By God, no cryin' and no snivelin'."

It was the voice of the middle judge which finally broke the silence. "Mr. Sheriff, have you had this prisoner in confinement since his arrest?"

"Yes, sir."

"Has he had any fresh air—any exercise?" The judge's voice was acrimonious.

"There ain't nothin' a man can do in jail except set."

"Well, in the future," said the judge, "I wish that you would see to it that prisoners, confined in your jail for any length of time, get some chance for an airing. This man looks badly. The policy of this State, and of the law, is never to judge an accused person guilty, until he has been proven so. The presumption is that you have an innocent man in your keeping—always bear that in mind. This man looks abused. Of course," he added kindly, "we are all just getting started and it takes time to smooth things out."

It was a minor thing but Stone Daugherty knew instinctively that it had had its effect, and he knew that he would get a fair deal from that cool, impassioned voice. He raised his eyes for the first time and a little confidence came back to him. Stone Daugherty felt attitudes toward him as a horse or a dog senses whether the hand of a trainer will be kind or brutal.

There were a few unimportant delays. "Has this man counsel?" asked one of the judges, and he looked at Daugherty for an answer.

Stone Daugherty sat silently as if he had not heard him or had not understood. The judge was

patient. "I mean, Daugherty, have you engaged a lawyer to look after your case for you?"

Daugherty stammered. "I ain't got no money to pay no lawyer." When he was called on to speak, the court room swam in front of him. Better to keep silent than to have to endure the agony of speech before all these people.

The judge's voice was kind. "All defendants to be tried in court must have a lawyer to represent them. I am going to ask Mr. William Blevins, a member of the bar in your own county, to look after you. To that end, this case will, of necessity, be passed until tomorrow. During the day, the court will take up the trial of civil matters. Mr. Blevins, use every available means to have your client's case ready for trial by tomorrow morning, as the court does not want to leave this prisoner in jail until the next session, which will be six months from now."

Stone Daugherty and Mr. William Blevins were sitting in the jail—Daugherty on the side of his wooden bed, with its dirty, evil-smelling covers, Mr. William Blevins on a chair which the jailer had obligingly carried in for him. A jug

of whiskey which Mr. William Blevins had brought was on the floor beside Daugherty. Court was in session above them, and one of the lawyers was orating violently about grants from the State of North Carolina. His voice shook the building and could be heard quite easily at the ends of the square. The crowd of curious had come to hear the "killin' trial," but that must of necessity wait. It was only mildly interested in the voice of the lawyer.

Mr. William Blevins was conciliating Daugherty. Mr. William Blevins had the sanction, in fact the orders, of the court to look after his client, and his pride had no hurt in this forced deliberation. He had found Daugherty who had suddenly capitulated to the unexpected kindness of the judges, eager for his help,—almost servile in manner.

"The first thing we have to do, Daugherty," said Mr. William Blevins, offering his client the jug which he accepted eagerly, "is to get up some witnesses."

"I ain't got no witnesses."

"Well, now, I am not so sure. You may need character witnesses, but before I get to that, I

wish that you'd tell me as much about this trouble as you can. Everything is important."

Daugherty grunted. "There ain't much to tell. My woman fell outen the back door and bruk her neck. I were home but were settin' nigh to the front door a-lookin' outards. My woman fell outen the back door and bruk her neck. I don't know what she went arter. It were none o' my mindin'. I heered her foot slip and her holler. When I went arter her, she were layin' on the ground a' squirmin'. She were dead in no time." He stopped, as if that were all.

"Well, now, now," said Mr. William Blevins soothingly, "surely that cannot be quite all. They'd never arrest you for an accident. Somebody's got to make a case out against you. Who's back of this?"

Daugherty clasped his hands together until his fingers cracked. "Hit's my own dotter."

Mr. William Blevins knew that quite well from what he had heard, but pretended surprise. "Impossible that your own child should be trying to have you hung!" His voice was apparently full of horror and Daugherty fell immediately into his simulated mood.

"Hit's moren possible," he said with the angry grievance of one who bares a wrong to a sympathetic listener. "Since I brung the woman home, her and that gal o' mine made up agin me. Allus I'd come home and find 'em a-gabbin'. The minute I'd come in the placet, they'd both get plumb stubborn and jest act like they was scairt. I done a leetle whupping mebbe, especially on my own gal for she were the more stubborn of the lot, and she set the woman up to her mopin' and ail-in', accordin' to my mind. She's a stubborn, sassy, little young-un, and I never could make her do nothin' without a sight o' frailin'."

"She doesn't exactly love you then? I mean, she's not like most children who love their parents?"

Stone Daugherty spat contemptuously. "Hell, she hates me. She's plumb scairt o' me and she'll jump when I gin her the word, but she hates me. I worked on her proper but she's allus a-rebellin' in her mind. I can see hit in her eyes when I'm frailin' her. She come between me and that woman. She ain't nothin' but a young-un, nigh onto fourteen year, but she were allus a-puttin' wrong notions into that woman's head. I think

hit were due to her that my woman were complainin' she were poorly."

Mr. William Blevins raised his eyebrows. "Sickly, was she?"

Daugherty grunted. "There waren't nothin' really ailin' with her. She were jest playin' off on me. She waren't no powerful big woman, and I ain't sayin' she were none too stout. I married her when she were young. She never had no speerit. I'd talk to her and she'd set and snival. I couldn't larn her nothin' and I did git plumb wore out with her. I were thinkin' she were put up to hit by that dotter o' mine. I'd spy their heads together when they didn't know I were listenin' and they were a-figurin' some devilment betwixt 'em, and hit were agin' me."

Mr. William Blevins saw that he had touched on a tender spot and it might be fruitful if it were prodded. "I think that a daughter ought to obey her father."

Daugherty cracked the joints of his knuckles. "I done told ye she minded me and I never had no onnatural word outen her. Nary a one. It waren't what she done, hit were the way she were sassy inside. Hit were rebellin' agin my

natural law and she give hit to my woman."

"Nobody else lived with you at the time of the 'er—accident?"

Daugherty drew the jug over to him and put it up to his mouth. "Nary a one. My fust woman and my young-uns were kilt by the Cherokee nigh to twelve year ago—that is, all on 'em 'cept-in' this here 'un. I reckon ye may ha' heered about me. I were the one that kilt the Old Soquee and scalped his young-un—" He seemed to be inclined towards going into further details but Mr. William Blevins stopped him.

"Well, how is it that your daughter happened to swear out a warrant for you?"

"It waren't her done the swearin'. Hit were Will Long, but it were from what this gal tolt him in a pack o' lies."

"Well," said Mr. William Blevins, still soothingly, "what were the lies she tolt Will Long?"

"Hit were like this," said Daugherty. "The gal. never really knowed nothin'. Hit were late in the evenin' and I sent her down to the field to do some hoein'. I watched her arter she went and knowed she were gone. Then I were settin' nigh to the front door and my woman went in

the house and started outen the back. Hit's a good drap to the ground for I ain't never put no log thar. I picked her up and she were dead on the ground with a bruk neck."

"But about Jane, I don't see yet why she should swear out a warrant for you."

"Well, when I sought to see her, she were gone, and I heered arterwards that she run all the way to Will Long's, and said," his voice was low, "that I bruk my woman's neck with a axe handle."

Mr. William Blevins whistled softly. "So! How old did you say she was?"

"Fourteen come next year. Hit were Long and his woman that swore out the warrant fer me, and Long hisself what went arter the sheriff. The gal's too natural skeery to tell a lie like that to a stranger, hatin' me or no."

Mr. William Blevins' interest in Jane seemed to be unabated. "Tell me about Jane."

"She's a onery leetle critter, I'm tellin' ye. She lived with the Long woman fer quite a spell, whilst I were a lone man and outen the settle-mints. I don't know how come her with sech bad notions 'ceptin' she got 'em from Will Long.

I had to do a powerful sight o' trainin' on her arter I got her home and arter I got my woman. She fit me hard in her speerit, but I got her bruk. A gal ought to be bruk to her paw's will. It took a sight o' frailin' but I done hit fer I never was one believin' that a gal ought to argify with her maw or her paw. She'd just growed up contrarywise."

"From what you say," said Mr. William Blevins, "you must have quarreled more with your daughter than your wife. If you'd have killed anybody, it looks as if you would have killed her."

He was startled at Daugherty's sudden movement and the black look that he gave him.

"I ain't kilt nobody."

Mr. William Blevins hastened to correct a tactical error.

"Where is this daughter of yours? From what you tell me, she's the State's only real witness."

Daugherty scowled. "I heered that she be with the Longs. I heered that she be plumb set agin talkin' to anybody and that she were ailin' fer a long spell. There was a feller who come in from Laurel Creek what said he'd heered hit. I ain't

sure." He got up and walked backward and forward, looking through the grating to see that there were no listeners. "I ain't got no notion that she can make a lie like that stick in the court. She couldn't ha' seen nothin' onless she hid. The three o' us had a leetle jawin' a-fore she left, but I forgot what hit were about—hit weren't nothin' worsen common." His brow creased in thought. "I'm stedying how that gal will git the guts to come into court and say agin' me. She got right smart afeered o' me afore I was brung up here. Allus wantin' to say things to my face but she ain't never yet had guts to spill 'em. She ain't never been no whar and she ain't never seed nobody to tell of but the Longs. Hit's just going to be my word agin hers. I lows as how she's goin' to be afeared."

"The State has to make a case out against you," said Mr. William Blevins importantly. "You sit tight and say nothing until I tell you to. Let your lawyer do the talking. Just your word against hers—a daughter trying to hang her own father—fine chance for argument there—unnatural—against God's law." He turned to Daugherty. "Well, we can fight this out be-

fore a jury in any event. Are you sure that they have no other witnesses? You haven't said anything to anybody about this case, have you?"

"Not since they brung me here," said Stone Daugherty, "nary a word. I may ha' grumbled a leetle afore."

"About what?"

Daugherty was sullen. "About the woman, I reckon. I married her and a man needs a woman. She were allus sick and ailin'. I never seed sech a skeery woman. Cryin' and whinin' like a sick kitten when I tried to tech her. Hit got on my feelin's. I come to hate her snivelin'. The sight o' her aggravated me. Mebbe when I were drinkin', I said a leetle somethin' about how I ain't married nothin' but a sick kitten, but it weren't no moren any man would say if his woman were all the time a-ailin'."

CHAPTER IV

IT was hot—hot, even for Jacksboro in September,—and the Attorney General wiped his face with a large silk handkerchief. Stone Daugherty had been brought up from the jail and was in the prisoner's box with Mr. William Blevins sitting near him. Mr. William Blevins looked unusually important, the only visible sign of his agitation being in the tightening of his jaw muscles. This case had possibilities and might give him other company in his office than the ponderous Blackstone. Mr. William Blevins arose and announced with gravity to the judges that his client was ready for trial. If Mr. William Blevins had any doubt of the innocence of Stone Daugherty, it was lost in professional ardor.

It was the clerk's duty to summon a jury. He had prepared a number of names on slips of paper which the sheriff had furnished him, and they were put in a hat and given a violent shaking. The slips were drawn and so soon as a name was called, the sheriff would go to the door and

cry out in a stentorian voice: "William Jones. William Jones. William Jones," or whatever the prospective juror's name might be. William Jones was quite probably inside the court room, but that did not matter, for the people expected the names to be called out so that they might know who was selected. The sheriff was, with justice, proud of his voice for it could be heard far beyond the square.

The jurors were selected after much argument and wrangling between the Attorney General and Mr. William Blevins. Twelve sedate citizens took the oath on the Holy Evangelists to well and truly try the case of the State of Tennessee against Stone Daugherty, charged with the murder of his wife, Molly Daugherty, contrary to the peace and dignity of the State of Tennessee. The Attorney General then read the ponderous indictment which was couched in such thundering terms that none save the lawyers could make head nor tail of it. Afterward, he addressed the jury briefly, and even drily, to the general effect that Stone Daugherty was considered by the State as a murderer, and that he expected to prove it to their complete satisfaction. He did

manage, in spite of his dryness, to convey the impression that he felt very strongly about it himself and that it would be the jury's duty to protect the honor of their State, and that of the new county, as well, by making an example of the defendant. He seemed to be certain that Stone Daugherty should be hung as a warning to all other wrong-doers.

Mr. William Blevins, much to the surprise of everyone, was milder and even briefer than the Attorney General. He did, however, show that he was thoroughly at home, in the very beginning, by being mildly sarcastic with the Attorney General, himself. It bid fair to be a truly exciting trial, with the lawyers as semi-personal antagonists—which was as it should be.

Stone Daugherty sat in the prisoner's box, his head sunk on the railing in front of him. There was only the darting of his eyes to show that he followed every word, every gesture. A Stone Daugherty trapped like an animal; caught in a mesh of words; hemmed in by laws which people made for a complicated world. People trying him, wanting to hang him, and using his trial as a spectacle where they could even laugh as they

watched the machinery of their own making rob him of his life. "E' God, they'll have no snivelin' outen me!"

The witnesses were "put under the rule" by Mr. William Blevins, which required that they be excluded from giving their testimony in the presence of each other, and this necessitated more delay, as all except the first who was to give his testimony had to leave the court room. Stone Daugherty's eyes swept them as they left. For reasons that he did not know, Jane was not among them. His mind leaped instantly to the hope that she was sick but he discarded that, for in that event there would certainly have been some effort to get his trial continued.

The first witness for the state walked up in front of the clerk, who held his ponderous Bible in his hands. "You do lay your hand upon the Holy Evangelists of Almighty God, in token of your engagement to speak the truth as you hope to be saved in the way and method of salvation pointed out in this blessed volume and in further token that, if you should swerve from the truth, you may be justly deprived of all the blessings of the gospel and made liable to that ven-

geance which you yourself have imprecated on your own head." The clerk droned the words in a sing-song voice, as he held up the book to be kissed, and the first witness touched it with his lips.

He was a young man with heavy shoulders—not quite so thick as they would be when age added weight to them, but they did have power—his hair sandy, his eyes bright blue, a ready show of white teeth when he smiled. Stone Daugherty, even though he would have respected his shoulders and his free walk, would have called him a "feisty" dude, would have scorned his ornate saddle and bridle, his popularity with people, his coon-skin cap with the fur turned outside "fer a show." There was an ever so slight swagger to his walk, which even the dignity of the court room or the impressive words of the oath had not overcome. It was probable that whatever work he did, was done with alertness and good cheer.

When Stone Daugherty first heard him called, he had a brief moment of panic. It was his dead wife's brother, and his mind leaped to all possible things about which he might testify, dismiss-

ing all of them in turn. He had never seen this man but once. Stone Daugherty looked at the floor. He would find out in a few moments. Of a sudden, he hated this confident young man with a deep intensity. He was like one who was dead and whom he also hated now past all words—hated her in this John Semple who stood in the court room as his real prosecutor.

The Attorney General took a chair and put it in front of the witness stand. He turned the chair's back to him so that he could rest his foot on a rung. The Attorney General was disarming in his easy suaveness.

"What is your name, young man?"

"John Semple, sir."

"And where do you live?"

"In North Caroliny."

"How old are you?"

"Twenty-two."

"What kin were you to the wife of Stone Daugherty?"

"Brother." He glared at Daugherty as if he were answering him; as if he were eager to let that relationship be blazoned to the world, as well as to the man opposite him.

"Well, young man, tell what you know about why your sister married this defendant?"

Perhaps, because he wanted to call attention to himself, perhaps, because the question might have been really dangerous, Mr. William Blevins rose promptly to his feet. "Your Honors, I object to that," he said gravely. "I object to that on the ground that it is immaterial. I see no reason why the jury should listen to any facts except those which concern the guilt or innocence of the accused."

The Attorney General was very superior. He enjoyed making young lawyers feel unimportant. "If my young friend," he said patronizingly, "will be patient I think that we will show him the question's materiality."

Mr. William Blevins had color in his cheeks. "From your great age," he said with equal sarcasm, "you must know that we are trying a murder case and not a hearing for divorce before the Legislature. What difference does it make as to why this defendant married?"

This show of wits was a delightful by-play, and the spectators, not thoroughly understanding it, laughed. Lawyers were expected to quar-

rel with each other, and if they did not, were unworthy of their salt. They quarreled a great deal in court, but outside of it they rarely fought it out, which was a pity.

"I think," said one of the judges tolerantly, "that we'll let the witness answer the question," and attention immediately switched back to Semple. He had forgotten the question so that State's Attorney repeated it.

"I never seed this here wife-killer," he glared again at Daugherty, who sullenly avoided looking at him—"but oncet—"

He was immediately stopped by a judge who pounded on the table in front of him. "The witness must not argue. Speak of the accused as the defendant or simply as Stone Daugherty." Semple, abashed for the moment, continued:

"Well, I never seed this here Stone Daugherty but oncet and that were at the marryin', fer which I come to Jacksboro. "We-uns lived closet to the edge of North Caroliny and there weren't but two o' us in family. Paw and maw were both dead. Paw got shot in a rucus and maw she were dead not long arter from a pain in her stummick. For a time, me and the gal

lived with paw's brother. He had a-sight o' young-uns o' his own, and arter I were big enough, I got loose on my own hook. I got me a job acrost the line workin' in a store. Hit were a long piece away, nigh to seventy-five mile, and I never come back more'n oncet a year. This here man Daugherty, as I larned, he come by and stayed for a night with paw's brother, and I heered that he took a shine arter my sister."

The Attorney General was imposing on the judge's ruling, but after all, the crowd was spellbound, and the people were entitled to know as much as possible. They had taken too much interest to be denied relevant or irrelevant details. "Tell us about your uncle's house."

"Well, sir, it waren't much on account of so many young-uns; I disrecollect, but I thinks there were twelve, and he had a lot o' mouths to feed. The gal were low most o' the time, for she tolt me she were growed up and not arnin' her salt. She waren't no strong woman. I heered that this man Daugherty were settin' up to her, and when I come home, I arst her about hit. She said that he were a powerful big man and

she heered that he uset to be a trader and were rich. For some reason that I never knowed, she broke down and cried a heap about there not being no place for her in paw's brother's house. Not so long arter, she wrote me that she were goin' to marry this here Daugherty. She were old enough to be married, being nigh onto sixteen, and I hadn't seen this here onery skunk so I waren't able to jedge. Arterwards she wrote me a piece askin' me to take her to Jacksboro where she were goin' to git married. I come home when I had her letter and we-uns went over the mountain together in each other's company. I thought hit waren't decent for her to be goin' alone—"

"If Your Honors, please," objected Mr. William Blevins earnestly, "I don't exactly see what all this has to do with the case at bar. My client is charged with the murder of his wife. It seems already that the witness never saw Daugherty but once. All this evidence about marrying seems to be irrelevant."

"It would be if it were not leading up to something," said the middle judge, who had stopped yawning so incessantly for he seemed to

be genuinely interested in this simple recital of ordinary human experiences. "It is certainly not prejudicial to the defendant. I must, however, request the witness to refer to the defendant in other words than 'onery skunk.' Let the witness proceed."

"Well," said Semple, "arter we come to Jacksboro, there were Daugherty waitin' for us. She were plumb set agin' marryin' at home, being onbelievable shy. I reckon she were afeared o' runnin' for the bottle and sech carryin' on like that there be at marryin's. Mebbe she thought they'd make fun o' her for marryin' him. She made me tell 'em arter she left the house. The first time I ever set eyes on him were in Jacksboro. He were older than I thought, but he seemed to be powerful clever and talked like he mought be good to her. They were married in a Jestice o' the Peace's place, and arter that I started back home."

"Did you ever see you sister again?"

"No, sir, I ain't never."

"Well, did she ever write to you after you left her?"

"I had two writin's whicht were sent to me. One of them nigh to week afore she died."

Almost immediatly, Mr. William Blevins was on his feet again. "Of course, I object to that. There is no evidence that the letters are material and then they are themselves the best evidence."

"Well, they may be material by the time the witness is through with reading them," snapped the Attorney General, who hardly expected Mr. William Blevins to have so much fire in him.

Mr. William Blevins could snap himself. "You've failed to show any reason for their introduction. This sort of rambling evidence could go on forever." That was a point not altogether to be ignored and, without waiting for judicial comment, the State's Attorney changed the form of his question.

"Do you know of any threats that the defendant ever made against your sister?"

"She wrote me that she were afeared of her life."

"Have you the letters?"

"Yes, sir."

"Well, read them to the jury."

Semple fumbled in his pocket. "The first were writ nigh onto a month arter she were married and were brung me by a messenger." He read slowly:

"DEAR BROTHER,

I take my pen in hand to write you. I be very well and I hope that you be the same. I been living here now nigh to a month and I ain't had no word from you. I be wishin' that you might come over to see me. There be a gal here, her name be Jane Daugherty, his daughter, and she be kind to me. I ain't been very well since I been married. He says it air my fault. He has whipped me oncet or twicet and has brung the blood. There be some good land for corn plaitin'. I be sick most o' the time and not able to work. His daughter be kind to me and does the work for both. I be well and trusting you are the same, I remain, sincerely, Your sister,

MOLLY."

"And have you another?"

"There be," said Semple, looking at Daugherty with eyes that glittered.

"Read it to the jury."

Semple again read very slowly, at times spelling out the words and always managing to give

the impression that he wanted Daugherty to hear every word of it.

"DEAR BROTHER,

I take my pen in hand to write you. I am very well and hope you be the same. I can't stand hit no more. Yesterday I run'd away but he caught me and brung me back. I can't be walkin' today for he beat me with a plow line. I been sick and ailin' all of the time and he says hit be my fault. He beat me with a axe handle and swore he were goin' to kill me. His gal Jane be kind to me. She is goin' to slip off and carry this to Will Long's. Arter I get well I be goin' to try and make hit back to paw's brother. He's allus sayin' he's goin' to kill me, if I leaves him. Hit ain't no use in livin' like I be livin'. If I can get back to paw's brother I'll let you know. I be well and trusting you be the same, I remain sincerely your sister,
MOLLY."

Semple held the letter in his hands and his eyes turned again toward Stone Daugherty, with a steady look of hatred. "Arter I got this letter, I were fixin' up my plans to come and git her away from a onnatural hound dog, when I hearn she were dead. I wouldn't stand for no sister o' mine to be beat by him, because she were ailin'. Every word on hit were true accord-

in' to my way of thinkin'. I heered—" He was almost shouting.

"I object, Your Honors," said Mr. William Blevins, rising quickly to his feet. "I object to his testifying as to what he has heard. I object to his calling my client a hound dog."

"It is a point well taken," said one of the judges. "Hearsay evidence has always been excluded in a court of justice. Let the witness stick to what he knows, and I caution him again to refrain from getting personal with the defendant. He must not call the defendant a hound dog." Stone Daugherty wondered bitterly why people laughed.

"Well, what else do you know about this case, from your own personal knowledge?" asked the Attorney General, smoothly and as if he did not mind in the least being overruled, seeming to act as if he had expected it. Always when both he and Mr. William Blevins spoke to the judges, or even to the witnesses, they managed to include the jury, and the spectators who followed each word, each gesture with absorbed interest. John Semple continued—

"Well, I come over as soon as I had the word

and I talked fust to Will Long and his wife, and they told me—" Again he was stopped by Mr. William Blevins. "I talked to his own gal," he almost shouted, "and she said she saw her paw—"

The booming voice of Mr. William Blevins was again chopping at him. "Your Honors, I object. I object to this witness telling before this honorable and upright jury what other people have told him. Let the prosecution bring these people to the witness stand. Let this honorable jury distinguish for itself as to whether or not a girl is telling the truth about her father." Mr. William Blevins seemed to be as much excited as if a personal right of his own were involved. His voice rang out with the fervor of his argument.

One of the judges stilled his tumult. "I see no reason why the established principles of law should not apply here. The witness should tell only those things which he knows personally."

The Attorney General was very cool, very superior. "It is not to be bothered about," he said, with his eyes snapping at Mr. William Blevins, "my brother attorney need not get so excited about principles of law which have been known

for a few hundred years. We will give him something to think about when we do put our other witnesses on the stand." The two lawyers glared at each other in the accustomed manner, and the crowd was much pleased.

"You can cross-examine him," said the Attorney General.

"He scarcely knows enough about the case to make it worth while," said Mr. William Blevins, in such a manner that the jury saw he was much pleased, "though I'd like to ask him one or two questions."

"How long have you been in town, Semple?"

"Two days."

"You've been going around saying that you wanted to kill this defendant, haven't you?"

Semple flushed. "He kilt my sister."

"You believe in the law and in the courts, don't you?"

"Yes, sir."

"And in trial by jury?"

"Yes, sir."

"You said in a grog shop last night, didn't you, that you'd like to get your hands on him, didn't you? That you'd like to kill him, and if

a jury didn't sentence him, that you'd kill him yourself, didn't you?"

John Semple was slow in answering. It was quite probable that Mr. William Blevins had been there and heard him. "He kilt my sister. Hit's natural fer a man to take up fer his folks. I ain't fergivin' him." He looked vindictively at Stone Daugherty. "She waren't nothin' but a leetle woman and couldn't take keer o' herself. I'd be proud to fight with him in her placet."

"Well, you may be excused," said Mr. William Blevins with an air of complete satisfaction. "It is obvious that you have no respect for Tennessee juries."

"Will Long. Will Long. Will Long. Come into court. Come into court. Come into court."

Will Long pushed his way through the throng and marched in. He had been a soldier, accustomed to obeying orders; his shoulders were back, his eyes to the front. He would tell all that he knew, fearlessly, and no man would say him nay. This court house—the assemblage of judges—was after all his. As a good citizen, he had an honest pride in it—an honest pride in being able to give his testimony in a court of

law, where things were orderly and peaceful. The Attorney General questioned him.

"Yes, sir; my name's Will Long."

"You've been a soldier, haven't you?"

"Yes, sir, with Big Tom. For nigh onto twelve year, before I settled at the head o' Jack River."

"Do you know the defendant, Stone Daugherty?"

"Yes, sir."

"How long have you known him?"

"Nigh onto thirteen year. He built a house up the branch, as I figger, about five mile from my placet."

"Tell the jury how you first met him."

"Hit were in Jacksboro, as I recollect. He said he were dissatisfied with whar he were livin' and wanted him a new placet. I tole him the head o' the creek were not helt by none. He could git him a tomahawk right, as we-uns calls hit. The first thing I heered o' him, he were buildin' a house thar. Arter it were good started, he drapt by one evenin' and arst us if we-uns could board his young-un. He made a trade with the woman about her keep, and in a week or so, he brung her.

“Did Daugherty ever tell you where he came from?”

“Not of a purpose,” said Will Long, carefully. “I were at his house one evenin’, shortly after he fust come. Whilst not a heavy drinker, exceptin’ in spells, he were drinking and said somethin’ to me that he were the Daugherty who kilt Old Soquee.”

“What do you mean by that?” asked the Attorney General, surprised.

“About twelve year ago when I were a sojer, there were a feller down on the border who started the tarnationest racket with the Cherokee. His name were Daugherty—everybody knowed him then. He kilt five or six, or ten Cherokee, I dunno perzactly, for it were said different in different quarters. Kilt ’em all with a tommahawk exceptin’ one, which were scalped—the Old Soquee were amongst ’em. Hit were a tarnation racket and we nigh to ha’ cleaned out the balance for they were out o’ all reason arter the Old Soquee were kilt—a-murderin’ and a-scalpin’. This Stone Daugherty, he tole me he were the feller what started hit, and I ain’t denyin’ it, for I never knowed him. There

were a sight o' grumblin' amongst the sojers about this Stone Daugherty for bein' a murderin' fool and breakin' up the treaties—"

"We really should get down to the trial of this case," said one of the judges testily. "This witness could talk indefinitely about the Indian wars but we are trying a man for murder."

"How long did you keep Daugherty's daughter?" The Attorney General picked up his questionings.

"About twelve year. She were a good little gal—only sorter quiet."

"Why did he take his daughter away from your home?"

"He 'lowed as how he were going to git married and he wanted her to fix up his placet fer his new woman. Sally, she hated to see the gal go, but there weren't no help for hit. The gal left of a Thursday, as I recollect."

"Tell us what you know about Daugherty's wife?"

"I heered about her mostly from Daugherty's young-un. The gal come back early of a-morning, I disrecollect when, but she said the new woman were come. She said, as I recollect,

that the new woman weren't nothin' but a gal—that is, I jedge that were what she were aimin' at. Fer no reason that I knowed of, Daugherty's gal seemed to be scairt and oneasy, and I noticed her right sharp for she never looked natural. She done a-sight o' talkin' to Sally. I asked Sally arter the gal left what she tole her—”

It was quite probably harmless rambling but Mr. William Blevins rose again to his feet. “Of course, Your Honors, I must object somewhere to all this—I asked—I heard her say.”

“Let the witness stick to what he knows personally,” said one of the judges. Two of them seemed interested in the smallest details, while the other was always bored.

“Did you ever see the wife of Stone Daugherty?”

“To be sure I did. Daugherty weren't a-body to do any visitin' but my woman and me went up to his cove not long arter they were married—I jedge a week or ten day, so as to be sociable and neighbor-like. ‘Hit's a poor dog that ain't worth whistlin' fer,’ I says to Sally, ‘but hit ain't neighborly not to go round and set a spell.’ Daugherty didn't seem to be powerful glad to

see us. His new woman looked peaked and sickly, and like a young-un that wanted to cry for her maw. She never said nothin' and we-uns went away arter a time, fer he never arst us to stay to dinner. We set so short hit peared like we'd come to borror fire. I don't remember special nobody saying nothin' in perticular, but I seed that the gal, his dotter, seemed to be a-dodgin' 'round and that his woman looked sickly."

"When did you see his wife again?"

"Well, sir, her and the gal Jane come over to the house one night and left early the next mornin' afore daylight. They done most o' their talkin' to Sally and I never heered much myself. They sez to Sally—"

"Your Honors, there seems no end to his 'they sez this, and they sez that,' " interrupted Mr. William Blevins. "Surely this witness should confine himself to matters of personal knowledge."

The judges held a whispered conference. Finally, one spoke. "The court is willing to allow evidence of any bad feeling which existed between the defendant and the dead woman. Let the witness proceed as to his personal knowledge, only."

“Well, his woman were a-cryin’ when they fust come. She ’lowed as how they were afeared o’ Daugherty. ‘He air plumb out o’ his mind,’ said Jane, and she showed me black and blue marks on her legs whar she had been whupped. ‘We-uns aint done nothin’ to him,’ she sez. ‘He air like a wild man and we can’t be standin’ hit.’ ‘How come he whups ye?’ I arsts ’em. ‘We dunno,’ they sez. ‘He whups us fer nothin’ at all,’ his dotter sez, but Daugherty’s woman, she never said nothin’ much beyant she sniveled. Most o’ their talkin’ they done to Sally. I told ’em they be welcome to stay and that I waren’t afeared o’ Daugherty, but they left in the mornin’ afore daylight, for they reckoned he’d be back in the middle o’ the day.”

“Did the wife of Stone Daugherty ever show you any marks on her which she said were caused by the defendant’s beating her?”

“No, sir, she ain’t never. I ain’t never teched Sally and I ain’t never aimin’ to. I told Daugherty’s woman she ought to go away and leave him but she said she were skeered to, and that she didn’ have no placet to go.”

“What else do you know about this?” asked

the Attorney General, for the witness seemed to be through.

"The next I saw o' Jane, I were a-workin' in my field, not long arter, and she come through the bottom. I seed her and the minute I set eyes on her, I knowed there were somethin' wrong. She skulked like a wild critter, allus a-lookin' back, and her face white. I went down, and I sez. 'What ails ye, young-un?' and she started to talk to me, and opened her mouth but shet it all of a sudden. She were plumb sick and white. 'Whar's Daugherty's woman?' I sez to her, but she looked like she never heered a word. I knowed she were in a bad shape so I took her up to the house to let Sally doctor on her. Hit were a woman's job, so I went ouden the yard and set down. Arter a while, I heered the gal a-cryin' and a-sobbin', and I went inside. 'You let her be!' said Sally, 'and come out here. I got somethin' to tell ye,' she sez, but the gal seed me and she started to whimperin' and she sez—"

Even Mr. William Blevins was forgetful, but he caught himself just in time. "If Your Honors, please, I need of course hardly rise to my feet again on such a proposition as this. This

girl is able to come into court and tell her own story. Think of the injustice of allowing this witness to testify as to what she saw from this man's garbled memory. That sort of trial could hang an innocent man. Who knows but what this witness has personal animosity against the defendant, and hence might put into the mouth of this innocent girl, all sorts of false charges?"

"That is quite true, Mr. Blevins," said the center judge. "Mr. Attorney General, please keep the witness to what he knows personally. Keep him away from all these conversations with other people."

The Attorney General was all suave smoothness. "It is quite immaterial to the State." He turned to Will Long. "You swore out the warrant for this man, didn't you?"

"I sure did!"

"Why?"

"Well, because o' what the gal told me. She sez—"

The Attorney General stopped his own witness—"Did you or not swear it out because of what she told you? Answer yes, or no."

"Yes, sir, I did. I be a peaceful man and I

started out to go git him myself, for I waren't skeered o' him, but my woman she talked me outen hit. I got on my hoss and rode straight to Jacksboro fer the sheriff. I got the sheriff and he brung along five men. We got to Daugherty's house nigh onto dark. I'd a-got him myself if it hadn't a-been fer Sally."

"What did you find at his house?"

"He were down by the spring, as I recollects, —sorter hid out in a fashion. We rode up to the placet and he come outen the thicket. He waited until we were thar afore he showed hisself. I knowed he heered us a-comin'."

"What did he say?"

"As I recollects, he said the fust thing— 'Whar's my dotter Jane?' he sez. He were powerful pale and oneasy lookin'. I told him that I never knowed. 'Well,' he said, 'she's a lyin' little slut if she said I did hit.' "

" 'Did what?' arsts the sheriff, but Daugherty never said nothin'. We-uns all went up to the house and as near as I can recollect, Daugherty said his woman fell offen' the porch and broke her neck. The body were stretched out on the bed, whar he'd toted it inside the house."

"Was her neck broken?"

"Hit were."

"How did it look like it was broken?"

Will Long was careful in his answer. "Well now, I can't be a-sayin' as to that. Her neck were black and blue and swole up. Hit might ha' been by fallin'—hit might ha' been broke by a lick. I ain't sure—there ain't nobody could be sure. She were a smallish sort o' woman. I ain't looked for no other marks on her. Just a broke neck."

"How far was it to the ground from the back door?"

"Hit were about two feet—a-body sort o' had to skin up on hit."

"In your opinion, could anyone have broken their neck by falling so short a distance?"

Will Long was still careful. "They might and they jest might not. Hit all depends. If you were carryin' a heavy load on your shoulders, and if you fell straight down for two feet and you happened to strike jest right—hit might bust it. She were a leetle woman and her neck were small to begin with." Will Long was mentally determined that Daugherty was guilty but in

such matters as this, he would weigh his words and be unbiased and deliberate in his judgments.

"You looked at the body carefully?"

"I sure did?"

"You aren't sure that her neck was broken by a fall?"

"O' course, I ain't. The gal Jane told me—" he gulped— "Well, her neck might ha' been broke by a lick or it might ha' been broke by laying her down on the floor and putting a axe handle on hit and jerkin' her like you would ha' jerked a 'possum. Hit might ha' been this and hit might ha' been that. Her neck were all swole up and black, and hit were broken for I felt hit."

"Do you remember anything else that Daugherty said at the time of his arrest?"

Will Long pondered a minute,— "Not more'n common. He kept on askin' whar his gal were and callin' her names. 'I knows the lyin' little slut's back of this' he sez. I remember him a-tellin' me and the sheriff that his woman fell outen the back door. He took and showed us. He kept on sayin' that he waren't no wife murderer and sorter whinnin' about hit. 'You

men surely don't think I kilt her?" he sez, seemin' to be in a bother. He went along peaceful with the sheriff. I remembers hearin' him say he waren't goin' to try and git away."

"Did you see any marks on the ground where his wife might have fallen?"

"I ain't recollectin'. The body were brung in and laid on the bed, when we-uns got there."

"Mr. Long, in your opinion, was it probable that this woman broke her neck by stumbling and falling?"

In spite of the strenuous objection of Mr. William Blevins, the witness was allowed to answer that question, after it was established that, as a soldier, he was as much an expert in broken necks as anyone.

"Well, for a general rule," he answered, "I'd say, no. If her hands were tied and she were shoved hit's more'n possible. The ordinary folks catches theirselves with their hands and just skins theirselves in a drap o' that sort. I ain't sayin' she might not. I never seed her fall and I never seed her neck git broke. Hit all depends."

The Attorney General pondered for a moment and, with an airy gesture, turned the wit-

ness over to Mr. William Blevins for cross examination.

Mr. William Blevins seemed to be interested in Will Long.

"You said that you do not like Daugherty? Why don't you like him?"

"I can't be sayin', fer I ain't knowin'."

"You admit that you are prejudiced against him?"

"No, sir, I just don't like him. You can't like all the folks there is."

"Has he ever done anything to hurt you?"

"No, sir."

"Well, I'm still waiting for your answer as to why you don't like him."

"I ain't knowin', 'ceptin' he makes me oneasy."

"What do you mean by oneasy?"

"I dunno 'ceptin' I never was real contented to have him settin' around. I were oneasy and plumb restless."

"Well, why did he make you restless?"

"I just say, I dunno. Hit seemed to me like he waren't plumb natural. I seed him sometime in Jacksboro and when he were a-drinkin'

churnbrain whiskey he were allus a-blowin' or a-mouthin'. Allus blowin' about what he could do. He just made me oneasy. There waren't nobody real proud to have him around. I never heered him say nothin' good about no human 'ceptin' hisself. There waren't nobody liked him. He's been gettin' more and more onery in the last year or two."

"You are right sure that you haven't any hard feelings against him personally, for what he's done to you?"

"Right sure I ain't. I got right smart aggravated about his beatin' on his dotter and his woman. Any human bein' would do that. I don't think hit's fitten fer a man to beat women folks. I liked his dotter Jane and I ain't believin' she were onery. Beyant that, there ain't nothin' that I holds agin him 'ceptin' that he made me oneasy."

Try as he could, Mr. William Blevins could find nothing of personal malice in Will Long. He stuck by his statement that it was his duty to swear out the warrant and that anyone else would have done the same thing. Court was to adjourn at twelve, so Mr. William Blevins finally

gave him up for the more interesting and productive field of dinner.

The inn prided itself on the multitude of its dishes—a profusion of vegetables, hams, chickens, roasts. The countryside was in full harvest. Guests of the inn were expected to eat heavily, and they did—all except the abstemious judge, who sat in the center and who astonished everyone with his mincing appetite. He allowed himself, in the middle of the day especially, only a small glass of wine which he sipped delicately, with small bites of food.

Court was to recess for an hour and a half. For a time after dinner, it was expected that one should drowse comfortably. The people of the county ate their meals which they had brought with them, under the shade of the trees. Groups of curious gathered around the horse traders; a dealer set up a stand where he sold ginger cakes and Jamaica rum.

John Semple furnished the only real excitement. As soon as court had adjourned, he had sought the grog shop and had proceeded to drink, in haste, a deal of whiskey. His drinking

was quite natural and no one thought the worse of him for it. A man was a molly-coddle if he didn't drink, at least when the time called for it. John Semple had, of course, been under a great strain when he was on the witness stand. Why shouldn't he drink?

John Semple's animosity against Stone Daugherty seemed to be mounting. "I'm tellin' ye, if that big wife-killer hadn't ha' been in jail when I got here, it would ha' been jest him or me. I'd ha' kilt him with my hands!"

"He's a pretty big feller," said one of the men, not taking him seriously. "Hit mought be a tar-nation good thing fer ye he's in jail now."

He misjudged John Semple's easy-going alacrity. John Semple was taking it to heart. "Air ye sayin' I can't lick him or I can't lick any man in Jacksboro?" He flared up in a way that surprised the man who was talking to him, though it wasn't a very unusual thing for a man to talk like that when he was drinking,—nor was it a very unusual thing for him to try and prove it. John Semple just happened to throw out a statement like that to a man who wasn't interested. "I ain't much on this here fightin' fer

myself. You needn't kick a-fore ye air spurred. You sez that you can lick him. Now I sez, ye can, and hit don't bother me none. Howsumever I'd be right careful, stranger, not to talk too loud. There be some men in this town and some in the county that ain't never been licked."

John Semple laughed in quick change of mood. "I ain't never been licked myself. I ain't spoilin' fer no free fer all on the minute. I got work to do. I'm askin' ye, if ye wouldn't be sore about a tub o' soap grease like that Daugherty, murderin' yer own sister."

"I wouldn't be botherin' about hit too much," said one of the men. "The courts in Tennessee'll take care o' him. Mebbe the sheriff'll let ye hang him."

"He'd better," said Semple, feeling the hot liquor that he had drunk. "If they don't hang him, I'm aimin' to handle him myself. I can't rest when I thinks about him beatin' on her and she ailin'."

"Ye thinks ye could lick him if he were turned loose?"

Semple's blue eyes flamed. "Hell, I knows I could, and I hopes to God I get the chancet to

try hit." It was a natural and even virtuous position, and no one took offense, but there was considerable speculation as to whether Semple could really whip Daugherty, and a deal of idle chatter about it.

When court reconvened after the dinner hour, the Attorney General put the wife of Will Long on the stand. There was still no sign of Jane. Sally Long sat in the witness chair, holding her youngest in her lap, suckling it when it cried. She was much confused and excited.

Mainly, she could not get it into her head, no matter how patient the Attorney General or the judges were, as to why conversations between her and Jane could not be gone into at length. "Jane told me—I axe Your Honor's pardon, I just can't remember that."

"Tell the jury about Stone Daugherty's wife," patiently questioned the Attorney General.

"Well, sir, she were young and she were too young to ha' married him, and him a widder man old enough to be her paw. I never did think no gal ought to take care on a man so far older than she were" (to the baby—"Quit cryin', drat ye! There ain't nobody goin' to hurt ye!").

"The two gals come to my house and they showed me places on 'em where he'd whupped 'em. I told Will that night, I sez, 'it ain't human for no man to be whuppin' women!' "

She finally got very hot and more confused than ever, the perspiration streaming down her face. "No, sir, I don't know why Daugherty's woman were ailin'. A young-un like she were ought not to ha' married a man if she were plumb ignorant."

"What do you mean by ignorant?" It was the center judge who questioned her. Sally Long blushed. "A gal like that ought not to ha' married without no woman talkin' to her. She were jest scairt on him—onbelievable scairt. She couldn't help her tremblin' and cryin' when he teched her—onbelievable scairt." The wife of Will Long was a scrupulously good woman and there were things which she dared not bring out, even in her own mind. "He were jest rough with her. She never told me nothin' except that he were rough with her and she were ailin' most o' the time. Ailin' a lot and scairt. She never had no health."

She called to one of her brood in the rear

of the court room, "Susan, come here and git this young-un."

"They came over to your place often?"

"Twicet only. Hit seemed to me that Jane were sorter nussin' Daugherty's wife. She were more set up about him beatin' on her than she were herself. 'There ain't no use in one body allus a-pickin' on another' she sez."

It took most of the afternoon to get her haltin' story to the jury, and she was completely exhausted, unable to add further light to anything. "Done to a cracklin'," she herself said, as she gathered up her brood of children, who had been watching her with eyes filled with wonder and admiration, and left the building. The wife of Will Long, if she had insisted upon it, could have had her testimony taken outside of court by deposition for the law was not stern enough to drag females into court unless they consented. She had insisted on coming in person. "A man who beat on two gals like he beat on them is fair bound to be hung, and I'm a-goin'."

After her, there followed in brief succession the sheriff, who testified as to the arrest of

Daugherty, the appearance of the body. Then the members of the posse who had gone with him. It was five o'clock and the judges looked restlessly at their watches.

"Adjourn court, Mr. Sheriff, and let's try to speed things along. The court has other cases to try. What other witnesses have you in this case, Mr. Attorney General?"

"One, Your Honors. Daugherty's own daughter; we'll put her on the stand the first thing in the morning."

CHAPTER V

AFTER her first hysterical out-pouring of words, to the wife of Will Long, Jane Daugherty had withdrawn into a complete silence, where her thoughts never found release in words. That was caused as much as anything by the kindness of the wife of Will Long, who had immediately taken her back to the shelter of her home. The wife of Will Long, impressed with the tragedy of the child whom she had nourished, warned her own husband not to mention a word to Jane about what had happened. Of course, the younger children who had only the vaguest conception of her troubles would look at Jane curiously but they themselves lacked the freedom of speech which would have enabled them to talk to her. Will Long, kind enough, gentle enough, still thought of her as a child, and avoided talking to her on matters of serious import. Jane had gone about her daily tasks answering the wife of Will Long in monosyllables, "Yes, M'arm, No, M'arm," with eyes holding

the frightened look of an animal which has had deep hurt.

For no expressed reason, she became ill, losing appetite, lying on a bed with shut eyes. "Law, Jane, a-body has to eat."

"I ain't hungry."

"You be jest botherin' about yer paw. Quit hit and ye'll git well."

"Yes, M'arm."

She got well very slowly, looking at the world without interest but trying always to do her part of the family's work, with a sort of desperate earnestness. There was a great deal to do—always a great deal of incessant labor and that was fortunate for her.

A week before the trial, and then as sketchily as possible, Sally Long talked to her about the pending ordeal. "Tell the truth and shame the devil. Don't be afeared if they try and tangle ye up."

Jane looked at her with frightened eyes. "Who'll try and tangle me up?"

"The lawyers and the jedges."

"What all have I got to do?"

"You got to go into the court room and the

lawyers air goin' to axe ye some questions. Ye got to tell what ye saw to a jury."

Jane sat with a far-away, detached look in her eyes. Her thoughts seemed to be groping for expression.

"Who be a jury?"

"The twelve men who'll be tryin' yer paw."

Perhaps she was trying to visualize in her mind how these twelve men would look, for she pondered over that for a long time. Jane was churning butter and stooped to look inside the churn, trying to avoid letting the wife of Will Long see her pallor.

"Will paw be there?"

It was a question which she had been wanting to ask for sometime, but she had not dared.

The wife of Will Long was so intent on other things that she did not even notice Jane's agitation; if she had, it is doubtful if she would have understood it.

"Law yes, he'll be settin' right nigh to ye."

"I got to tell them men about paw and—and her?"

"Law yes, hit's yer duty to tell hit all."

"In front o' paw?"

"He got a right to hear ye, and the lawyers got a right to tangle ye up if ye ain't careful o' the truth. They'll try to tangle ye."

"Bout what he done to her?"

"To be sure. Hit's hard on ye, but hit's got to be gone through with."

It might have been noticed, if they had not all been so occupied, that after that conversation Jane lost her appetite again, and drooped with a puzzling half-sickness, which persisted even after she was in Jacksboro, where the Long family moved for the trial. It was pronounced enough so that when they were summoned for a hearing before the grand jury, the day before court met, that Jane escaped being called as a witness. She was to be at the last, and the Assistant Attorney General had put all of his other witnesses before the inquisitorial body before he reached Jane. She was waiting out in the square and when he came to get her, she looked so badly and trembled so excessively, that moved to compassion, he had not even asked her to come to the court room where the grand jury was in session. "I can get on without you, anyhow," he said kindly. "We haven't been very

strict about testimony up there, and Will Long and his wife have both gone over your evidence. Don't bother about coming up. Go on home and rest up, for the trial is going to be hard on you." He had not thought that she might be really ill.

The family with whom the Longs stopped was already large, so the house was packed beyond belief with this new addition of grown people and children. Because she was an important element of an unfolding drama, Jane was, from the first, looked at with a deal of curiosity, which was open and unconcealed. "Law's, think of a gal havin' to go into court to tell about her paw killin' his woman. Law's, think about hit. Ain't ye skeered, Jane? Hit's no wonder the child don't say nothin'. Hit ain't natural. I ain't sayin' but what hit's a child's duty to tell the truth, like the Good Book says, and I ain't sayin' but what he done hit and he ought to be hung. Hit sure is hard on the gal. What was it you said he done to her, Jane?"

Jane looked helpless and frightened, so that the wife of Will Long came to her rescue. "Hit'll be powerful hard on her to go to court

and tell all them strangers and her paw settin' right thar in front o' her and lookin' at her, much less a' tellin' all you jackanapes. Leave her be." So Jane was quiet, brooding in a corner of the house, wrapped in the fright of her own thoughts.

The wife of Will Long saved Jane again when the Attorney General had come to talk with her. It was the same night after she had herself finished her testimony, and she was full of nervous excitement and full of stories of her own sufferings at the hands of the lawyers. "Law's, they won't let a body say nothin' without ketchin' 'em up on the leetlest word. I felt like I had been drug through the bresh." She took the words out of Jane's mouth when he tried to talk to her.

"Hit were like this—the gal tolt me—" Most of it he knew already from hearsay, so he hardly noticed that Jane had answered him usually by nodding her head. Yet he was struck with her unexpressed misery. "Don't you be bothered, Jane. I don't think that your father will ever trouble you any more after this trial. I know you have had a hard time. Be on hand in the morn-

ing promptly at nine, because I expect to put your evidence to the jury so soon as court convenes."

It became quite generally noised around that the State would put Jane Daugherty on the stand for its next witness. There was much argument about her. "It's said by some as how the gal's goin' to swear her paw put his woman down on the floor and broke her neck like you'd break a 'possum's neck." "Naw, that's what Will Long said. I heered that she said he tied her hands behindst her and shoved her outen the door. There's some say that Daugherty were sore at her because she warden't no good as his woman." "The Hell, they do?" "That's no reason for killin' her. God Almighty!" They packed into the small room.

As for Jane, she dressed with slow, methodical movements, tight-lipped in her misery— The lawyers would try and tangle her, she thought desperately, having no real idea as to what the lawyers would do to her. If she did wrong, she would be punished—that was what the judges were for—to punish people—and all those hun-

dreds and hundreds of people who had come to listen, would look at her. All that she could visualize of the inside of the building was a platform on which she stood alone, with her father—her father sitting bound and watching her—the judges and the lawyers waiting to punish her if she did wrong or said one false word. She and her father on the platform, alone. "I wisht he'd a-kilt me," she thought desperately. "I wisht I never had run'd. I wisht hit were me who were dead. I can't stand up and tell all them folks without gettin' hit wrong. I can't remember nothin'. I can't hardly remember my own name. My own name"—and her cheeks blanched as thought failed her in a second of whirling confusion, which left her weak. "Hit's Jane—Jane Daugherty," she said it aloud, repeating over and over the two words, to reassure herself that she had not lost her mind.

Going into the building, even crossing the square with the comforting presence of the wife of Will Long, was an ordeal, as if she were being led to an execution. "Thar she goes! Hit's Jane Daugherty, and hit's from her word that they'll be hanging him." She seemed to be lost in a sea

of faces—more people than she had thought were in all the world. She fought for sanity, repeating over and over again, “Jane Daugherty—Jane Daugherty.” It was the one thing to which she clung—the only words that would form in her mind.

She stumbled awkwardly as she was led into the interior of the court room. The Attorney General came over and took her hand. She could see him only dimly, scarcely daring to raise her eyes. His words came to her out of fog. “Come over and be sworn.” She was led up to the clerk who held a stained, leather volume against her lips, his words droning in a sing-song of threat as to what would be done with her if she lied.

The interior of the building was growing lighter now. She was standing by a chair, and in front of her people, a multitude of people. She searched for the comforting hand of Maw Long—it was gone. She raised her eyes, desperately seeking a familiar face.

Jane met the cold, belligerent stare of her father. His head was sunken on the rail before him, his shaggy hair, uncouth beard in matted confusion. She saw only his eyes that were cold

and cruel, boring into her mind with a frightening stare. Only the two of them. Everything else was blotted out except her father and herself.—Somewhere at a far distance were the judges who were waiting to punish her. There was a reeling crash of thought, all in a jumble. "God damn ye, I'll teach ye—both of ye not to try and run away agin' "—a roaring crash of sound as he had caught up an axe handle. "I'll teach ye. I'll teach ye both!" A blinding flash of thought, half-formed memories of her father's furious and drunken rage. "I'll teach ye. I'll teach ye"—a roaring crash with a memory of her screaming step-mother—her own flight.

"The witness," said the judge in the center kindly, "may sit down." He repeated it. "Sit down, girl, and don't be frightened. This is a court of justice and you need have no fear." They were only words, far-off words that never reached her mind.

The Attorney General, thoroughly at home, thoroughly master of the situation, and feeling quite confident that he held the fate of Stone Daugherty in his hands, with the testimony of Stone Daugherty's daughter, walked over and

gently put her down in the witness chair. He patted her on the shoulder. "Sit down, girl. All that we want from you is a brief statement of the facts in this case. We just want you to tell the jury what you saw."

In her mind there was only a whirling kaleidoscope—a jumble of pictures—the sound of her step-mother's screaming—her own flight, and everlastingly her father's face with its maddened eyes. It would not—it could not, straighten out. Desperately, because she fought to remember one thing—her own name came to her—"Jane Daugherty." She repeated it over and over again in her mind—"Jane Daugherty—Jane Daugherty." Her eyes were fixed on the silver buckles of the center judge's shoes.

The Attorney General was mildly disturbed. He brought over the chair on which he leaned, so that he was close to her. "Don't be alarmed, child. Remember that nobody is going to bother you here. Tell the jury what your name is?"

In the whirling vortex of her mind, she caught faintly a word. "What is your name?" That could be answered. She knew that. Her throat contracted painfully, but she did manage

that one thing which she had memorized, though her voice came to her as from a great distance. "Jane Daugherty" she answered, not raising her eyes. Her voice was rasping but it could be heard.

All kindness, the Attorney General said to her: "Turn around please, so that the jury may hear you." She heard that, managed it—took her eyes away from the silver buckles. And there, right across from her, was her father glaring at her with his sunken head down on the rail. There was only a jumble of words again—pictures of her step-mother lying on the floor, her frightened screaming—her own flight—a jumble that could not be straightened out.

"And where do you live?"

Trapping her now. What was her own name? She had forgotten the question, and from her parted lips there came only two words, said in the same dry rasping voice—"Jane Daugherty."

That was wrong. It was wrong. She could see it. She knew it. She hadn't meant to say that. She could see in the face of the man before her that she was trapped. There was nothing else

in her mind now—"Jane Daugherty," and that was wrong.

The Attorney General tried her again, and she was silent—nor did she really hear him. She had turned back again with her face averted, and her eyes half-shut. Words, people, and even her own body, her own mind lost in a mist.

One of the judges rapped smartly. "Who came into court with this girl? Is there no woman here who can take care of her?"

The Attorney General motioned to the wife of Will Long, "Come up and talk to this girl, and try to reassure her. Tell her that nobody is going to hurt her and that this court will protect her."

Sally Long bustled up, feeling quite important. She whispered in Jane's ear. "Don't you be skeered, honey, he's not goin' to hurt ye." Jane looked at her and was silent—only her eyes were suddenly frightened for she wanted to sob on that broad bosom, yet all words, all tears were denied her.

Thirty minutes afterward and Jane Daugherty was sure that they were trying her now in-

stead of her father—rather she judged God was trying her. A strange and awful God who had resented her daring to raise her voice against her father. It was her fault that words would not form in her mind—that whirling pictures could not straighten themselves out under soft words or harsh ones. She had sunk into a gray fog of oblivion.

She did not understand that Mr. William Blevins had welcomed her impenetrable silence—nor did she care that he had bitterly opposed the efforts of the Attorney General to have the case continued—that he had, in stentorian voice and far-flung gesture, insisted that the child's silence was a visitation of God. "And,"—he had shouted to the Attorney General, "we'll make an issue out of that for a new jury to try. It is a just issue and a legal one, supported by ample legal precedent. It is an issue which twelve good men—good Christian men can solve. The witness was here—ready to testify—her story ready. Then she is stricken dumb. Why? God did it, that's why, for he would not allow a daughter to send an innocent father to the gallows. It is an issue which God has raised—you ask for a

continuance. I ask that it be tried—if you dare!”

“Young man,” the suave Attorney General had answered him with heat, “I dare just as much to display my knowledge of God as you do your lack of knowledge of the law.” And in those days, before men had thought alcohol the chief ally of Beelzebub, both of them, God’s ally included, standing just outside the door, drank deeply for the battle which was to ensue.

Aye, it was a glorious battle for Mr. William Blevins, fledgling at the bar, but forever afterwards famous in the county. It was a glorious battle for the people who hung breathless upon his every shouted word. It was a glorious battle for the judges who had not lost their common touch, and who knew that the people enjoyed it and hence were lenient. But for Jane Daugherty, sitting silent, fighting desperately for her inward calm, longing desperately for a chance to cry her heart out on the comforting and broad bosom of the wife of Will Long—longing for the blessed relief of tears or words which would not come, the hours which followed were only a black void of suffering, in which there was no relief.

No one, not even Mr. William Blevins, thought of her misery, as they were swept out of themselves by the drama that they watched, except that she was a pawn for the lawyers' verbal attacks at each other.

There was first a new jury to be selected, the other being sent to the grog shop for seclusion. Mr. William Blevins was God's champion.

"Do you go to meeting?"

"Yes, sir. Paw-Paw church house."

"Every Sunday?"

"Yes, sir."

"Do you take your wife and children?"

"Well, sir, I can't say as I allus takes 'em. The woman has to stay at home and do the cookin'. Then the young 'uns is allus a-cryin' and a-frettin'."

"We'll excuse this juror, Your Honors. Any man," turning magnificently to the spectators, "who does not take his entire family to meeting every Sunday is not entitled to serve on a jury of this character." Aye, he was magnificent, was Mr. William Blevins, fledgling at the bar, and all the cold sarcasm of the Attorney General

could not stop him for Mr. William Blevins had God on his side. God had not yet become an abstraction who coldly left humanity to work out its own problems. Who dared to say that God did not have an attentive ear to every syllable uttered in this court house? Who could dare to say that His hand was not in every movement, every human act?

Mr. William Blevins struck bitterly at the wife of Will Long, who had been resummoned to the witness stand, to testify as to what Jane Daugherty knew about God, or what God knew about Jane Daugherty. "So, you did not take this child with you when you went to meeting. Why didn't you?"

"I said I took her oncet or twicet," said Sally Long, turning crimson. "I can't be recollectin'. There were the young-uns to mind and she were willin'—moren willin'—to stay at home and tend 'em. A-body can't take eight young-uns to meetin' and hit ten miles or more, without a lot of bother."

"Well, are you sure that you ever taught this girl that God punished liars?"

The wife of Will Long was in a flutter. "I can't be sayin' that I did, special. Everybody knows hit."

"Has she ever joined the church?"

"Not as I knows on."

There was worse horror in Mr. William Blevins voice. "She is fourteen, isn't she?"

"I can't say perzactly. Nigh to hit."

"And never joined the church! You never thought that made her a heathen, did you?" He was unsparing. "The child has not been baptised? Has not been saved by conversion? Do you know that this court looks to divine guidance in rendering its decisions?"

"Yes, sir, I knows hit."

He asked for and he got, expert witnesses in the preachers who qualified as knowing more about divine guidance than anyone and who unhesitatingly said that God would strike a person dumb, that He would do all sorts of things to win His point and show that He wanted His cause to prevail, even if He had to resort to miracles.

And his argument. Aye, but Mr. William Blevins was a magnificent speaker. "Think of it

gentlemen! A daughter coming into court to testify against her father! Think of that, you men who have children! Think of the enormity of it—think how the Holy Bible” (he walked over and picked up the book as if it were hot and must be handled gingerly), “this Holy Book, that I hold in my hand tells children to revere their parents. In one commandment—‘Honor thy father and thy mother’—and in another—‘Thou shalt not bear false witness.’ Here on the stand, this witness is stricken dumb when the actual enormity of her crime is made apparent to her. A child, and yes, nearly a woman, who has not joined the church, who has not known the saving power of grace, starts to say something which will take a human life—her own father’s life—then, her lips are sealed. Who dares to say that God, in His majesty has not spoken?” Aye, he was great, and his townspeople and all the people of the county rejoiced that the sharp thrusts of the State’s Attorney availed him nothing, for the jury, without leaving the box, quite gravely and with all eagerness announced at once that they found the witness, Jane Daugherty, dumb through the visitation

of God, which quite automatically shut out her testimony from any human court, and quite as automatically marked her as one set apart, if not branded as an outcast, certainly as one whom God did not favor.

It had been a royal battle though it did not in reality ever get very deeply into the lonely and miserable state of Jane Daugherty's mind, except that she knew she was "tangled up," and God, the lawyers and the judges had, and would, continue to punish her for daring to raise her voice against her father.

The trial had lasted far into the night, and tallow candles had been brought in—no one thought of supper. The Attorney General, as befitted a lawyer of parts, looked worn but he was still smiling. Perhaps he missed his nightly portions. After all, he had gone through a great many legal battles and all sorts of other battles and he couldn't be expected to win them all. Youth did have to have its fling. This William Blevins—well, he had been on the easy side—of course it had been the easy side, but the boy had done well—remarkably well, and the people had enjoyed the trial, which was really important—

much more important than the conviction of Stone Daugherty.

The Attorney General turned to the judges sitting sedately on their rostrum, most of their faces hidden in the shadows. "If Your Honors please, in behalf of the State of Tennessee, I deem it useless to go further with this trial. The State, of necessity, was relying largely upon the testimony of this one witness. Anything else which we had was merely cumulative. As my able and brilliant young friend—and I want to compliment him on his skill and erudition,—so admirably convinced the jury, God has decreed that she be silent. I deem it useless to go further with this case, particularly in the face of divine intervention. I wish that Your Honors would direct the other jury to bring in a verdict of not guilty so that this man Stone Daugherty may be set free."

CHAPTER VI

THE judges came down from the bench and filed out, after them the lawyers who had stayed for the trial. The lawyers slapped Mr. William Blevins on the back. "Fine work, young man; it's a shame there is not a fat fee for you." The spectators edged out after them. Mr. William Blevins went over and shook hands with Stone Daugherty, whom he had largely forgotten. "I congratulate you on being a free man again."

"I'll pay ye, and pay ye well," said Stone Daugherty.

"That's quite all right," said Mr. William Blevins, somewhat wearily. "The court appointed me to defend you and you don't have to pay me a cent. "However," he added as an afterthought, "a fee would be welcome, if you want to pay it."

There were very few persons left in the court room. Mr. William Blevins, Jane, who sat in the witness chair, the sheriff, Will Long and his wife.

Stone Daugherty stood awkwardly to his feet.

"I reckon I'll go out and git me a drink." He looked hesitantly at the sheriff, as if there might be opposition, but there was none. Everyone in the court room watched him except Jane. Stone Daugherty ignored her. All that he wanted was a drink—not one drink but many drinks—enough to wipe out all memories, although he gave that no conscious thought. There was only a great, an overmastering need which must be satisfied. He walked to the doorway. He would find a place somewhere to get away from people—there was no one that he wanted to see. He would slip through the darkness and go up the backstairs of the house where he could buy whiskey.

As he got to the bottom step, a figure rose up and blocked his path. It was dark in the square but Stone Daugherty guessed instinctively that it was John Semple. He had not forgotten him, for his mind stored up people who cherished hates against him, and he guarded against them. Of a sudden, his antagonism rose until his body shook, though he said no word. It was a rush of hatred for a man who was like a woman who was dead—so much like her that all his ill-feeling

against her welled up in him again. He could not endure the thought of Semple touching him.

"Ye air a lyin' dirty murderer an. I'm goin' to beat Hell outen ye!"

A few months before, Stone Daugherty would have answered that in kind, but now the spirit was broken in him. "Git outen my way," he said almost in a whine. "I ain't done nothin' to ye."

John Semple's voice rose in an angry snarl. "Ye kilt my sister and I'm goin' to beat Hell outen ye, and I'll kill ye barehanded." It was a menacing voice in the black darkness. There were lurching shoulders which Stone Daugherty could see but dimly. Stone Daugherty went back a step, careful of his footing, never turning his face, peering through the darkness. His mind leaped to his own protection. If he could keep the elevation of even one step over the figure beneath him, he could have an advantage with a first crushing onslaught downwards.

A figure was silhouetted against the square of the lighted doorway above, and Stone Daugherty

saw the shadow of it and welcomed it. "What-all's goin' on down there?"

Stone Daugherty never for a second relaxed the tenseness of his muscles nor did he turn his head. "Hit's John Semple and he's made threat to kill me. I be a peaceful man and a free man to come and go as I choose."

There was clatter of steps down the stairs and the sheriff brushed past him. "Come here, John Semple, I want's ye. Ye, Daugherty, clar out the way." The Sheriff caught the arm of Semple. "Git by me Daugherty. I'll take this here Carolyn wildcat to the court room."

It had taken but a moment and in the semi-darkness above, Mr. William Blevins had started over to talk to Will Long about Jane, when the sheriff stumbled through the doorway, pushing John Semple before him. He shoved him to a bench. "None o' that now," he said threateningly. "This here is the civilized State o' Tennessee, and I'll slap ye in jail if ye so much as tech a hair o' his head."

John Semple's blue eyes blazed. "Hit were a trick! He never had no trial. He's a dirty bastard and a woman-killer."

Will Long walked up, his voice was calm, "Shet up with that talk in the court house. I'll whip ye myself fer hit."

John Semple dropped his eyes. "The feller kilt my own sister. I ain't goin' to set by like a yaller coward and let him git off scot-free." The fire was dying out in him and the sheriff dropped his arm.

"That ain't no placet where ye've got a say. He were give a trial and he come clar. Fer to-night, you and me can run around till I git ye settled. Daugherty'll git out o' town by mornin', or I miss my guess. I can't be havin' no killin' rucus in the square."

No one had yet thought of Jane, except the wife of Will Long, who came up and spoke to Mr. William Blevins. "I reckon that we'uns can take her along with us?"

"Oh, certainly, certainly," said Mr. William Blevins, turning around to where Jane sat. "I doubt if her father wants her."

It was dark on the side of the room where Jane was sitting. Maw Long went towards her—an upright, immobile figure, sitting in the witness chair. "Ye poor thing," she said, bend-

ing over her. "Ye air like one o' my own to me. I don't believe none o' them hard things they said about ye."

The eyes of Jane Daugherty turned and sought hers. All of a sudden, she bent her tired head on the broad bosom that had so often comforted her, and sobs wracked her. "I were so afeared. Oh! maw, I were so afeared."

John Semple did not leave Jacksboro either that night or the next morning. For his staying, his generations of Irish ancestry were quite as much responsible as he himself. Quite probably he had not even given his sister either any great store of love or attention during her short life. Now that she was dead—murdered, as he thought, by Stone Daugherty,—her suffering and death became more and more important to him. He visualized her short, tragic existence with this personal enemy of his, reading and re-reading her letters and finding in them new elements of tragedy, touched to the quick by his own mental conjurings. Whether Stone Daugherty had killed her or not, he had beaten her—beaten her until the blood came. "The big brute

of a man, beatin' on a woman and her sick. By God! He beat on her because there waren't no man around to take up fer her. By God! She's got one now."

Hot rage had risen in him when Stone Daugherty had been set free—hot rage, in which there was mingled a deal of the sting of personal defeat. It was not a time when social consciousness could altogether override individual expression. John Semple had been sure that Stone Daugherty would be hung, and instead, he had emerged a victor over him and even over his dead sister. Immediately and naturally, he fell back on another method of expression. "By God! I ain't afeared o' the big brute, and I'll larn him, man to man, and fist to skull."

He was all mildness with the sheriff. "Ye ain't got to stay with me. Stone Daugherty could take care o' hisself, I reckon, if he were to bring on a fight, and moren that, I hears he's got out o' town," though John Semple had quite made up his mind that if Stone Daugherty had gone to his home that he would follow him and "have it out." Yet, in his disposition there was not thought of anything beyond fighting him with his hands,

a determination to show that he, John Semple, was the better man of the two, outside of court, if not in it.

Even as he "mouthed," Stone Daugherty, drunk for a full day and part of a night, was sobering up in a room above the grog shop where he had been obligingly left alone by the merchant of spirituous liquors. There were times when whiskey, and whiskey alone, smoothed out the harassing perplexities of the world for Stone Daugherty. In him, there was a crying, tortured need for it. His entire body seemed to be refreshed after his drinking.

Stone Daugherty had no special plans. He would go back to his house for awhile, to rest, to stretch himself. He would get out and live in the woods where there were no people. He thought of his daughter Jane, and scowled. What the Hell would he do with her? She could take care of herself from now on. Perhaps she would go back to the Longs and perhaps she would talk about him. The little she-devil would never let people forget her story. Hating people as he did, he could not stand their criticism. If she were back with the Longs, they'd encourage her

to talk about him. E' God, the Longs had done everything bad they could against him, and he wasn't going to give them the satisfaction of keeping his own daughter. If Will Long tried to do that, he'd have the law on him for it. Jane belonged to him, and e' God, he was goin' to have her if he wanted her.

Stone Daugherty lumbered down the ladder which served for a stairway. The room downstairs was dark and evil-smelling. Christ, God, it would be good to get his rifle and go off into the woods for a week or so. He'd have one or two drinks just to steady his hands, and leave.

There was a barrel of whiskey at the back of the room, and Stone Daugherty went back to help himself with the dipper. It was late in the afternoon and the proprietor of the place spoke to him from the gloom. His voice was placating, for Stone Daugherty after his spectacular clearing before a jury, was a man to be respected. "If I be you, Stone Daugherty, I'd not go outen to the square."

Stone Daugherty scowled. "Why not? There ain't nobody wuth killin' holdin' a grudge agin' me, be there?"

"I ain't takin' no part in hit." The drink was handed to him. "But I've heered that John Semple ha' been mouthin' a heap. The sheriff's gone out o' town. There ain't nobody here to keep him in sense."

Stone Daugherty poured himself another drink. "What all has this John Semple been sayin'?"

"He's been blowin' around that ye whupped his sister and that he waren't goin' to leave till he'd whupped ye."

Stone Daugherty laughed harshly. "There ain't no boy goin' to whup me. Ye don't think he can, does ye?"

"I ain't sayin' he can. I'm jest tellin' ye and I kept the word quiet that ye was above for I didn't want no rucus."

Stone Daugherty grunted. "If I sees the young buck, I'll tell him to git back to whar he come from. There ain't no man or no boy goin' to stop me from goin' whar I aims to go."

Stone Daugherty walked outside the building as carefully alert as an animal. He knew that this John Semple wasn't the sort of man who'd shoot him. Shooting wasn't what he wanted. It was

going to be a try-out of man to man. E' God, he'd show these fellers here in Jacksboro that he could take care of himself in that sort of work, too. Yet he spoke to none of them. They came here expecting to see him hung. "There ain't none o' them got guts enough to speak to me, fer they be afeared." He went back to the grog shop, pouring himself a glass of whiskey, letting it set in front of him.

He did not have very long to wait, for there were too many loungers in the square eager to run to John Semple, eager to watch a fight, and anxious to tell him that Daugherty had sent word "he'd break his God damned back."

John Semple was the aggressor. He came through the doorway and lounged by Stone Daugherty who stood looking at the glass of spirits in front of him, with steady indifference. Semple's elbow struck him. "I be a peaceful man," said Stone Daugherty, "but I be a strong man. This town be free to me."

Semple knocked the glass from the bar. "Hit ain't free to ye so long as I got the power to tell ye to yer face that ye air a lyin' murderer."

"Hit ain't me that's startin' this fight," said Stone Daugherty, white-lipped, and hating Semple past words, "and I ain't armed."

Semple answered him coldly. "There ain't nobody armed. Hit's you and me, and I'll stomp yer guts out."

Stone Daugherty struck him in the face with his open palm. "Git outside and I'll wipe the mammy's milk from yer mouth."

Energy of sow-belly, a stomach which could digest raw pork, and a body which could fatten on it—arms which had pulled floundering horses out of swollen creeks, sinews which had pulled and pulled on stubborn loads. "E' God, I ha' kilt a growed bear with an axe." Twice Stone Daugherty had him in his great arms as they lay on the ground and twice he had squeezed Semple's body until he had thought no human being could endure it. Twice Semple had escaped him. What matter blows from fists. They had closed with each other in the first few moments. Here in the dust and darkness, the great muscles of back and thigh straining, the fingers at the end of arms, claws for gouging. Teeth straining at each other's throats. Dust and darkness with a great

crowd around them; quiet, except for an occasional "God Almighty!"

Daugherty had him again—the two locked in a close embrace, Daugherty with a death grasp around his chest, Semple's arm twisted beneath him. Daugherty brought his knee up with a deadly thrust into Semple's groin. That should have him. It did, for the body of Semple relaxed. Slowly, painfully, Stone Daugherty shifted his great weight and caught Semple's head in his arms, twisting at his neck. He was too weak to crack it, strain as he might. "Ha' ye enough?" he whispered, through bared teeth, to the reeking face below him. Through the bloody froth that came out of his mouth, Semple answered him: "I'm sayin' to ye now—I'll say till I die, that ye air a lyin' murderer, and I'm goin' to kill ye."

Two animals locked in a death grip, back to the earth that gave them power to tear at each other. Stone Daugherty's teeth sank into Semple's bared shoulder, his hands sought for and found dirt from the ground beneath him. His eyes! Stone Daugherty ground with his great thumbs at the eyes of the writhing figure be-

neath him. Not for nothing, had Stone Daugherty boasted of the strength that lay in those great hands of his. Not for nothing, all those years of bitter struggle; sinews that cracked and strained.

Lying on his back, Stone Daugherty drew grasping breath into his great lungs, sucking air into the greedy tissues that fought for rejuvenation. There was no longer need for him to bother about John Semple—a torn, nearly naked body that writhed and tossed in the darkness and dust near him. Slowly, painfully, Stone Daugherty got to his feet, blood streaming from his own bruised face. “Hit’s him that started hit,” he gasped. “He’d ha’ blinded me if he could ha’ done hit.”

But even then, he wished that he had found the power to have twisted that neck until it had cracked. He did not like that last gasping threat which came through the bloody lips of a man whom he thought was blind.

THE THIRD ENEMY

CHAPTER I

In the Month of October, 1802

THE trial of Stone Daugherty had been over for a week. Will Long and his wife were sitting by the fire in their own house for there had been no holding either of them in Jacksboro. It was well after dark and the children were asleep, the stock bedded. Time for people to be a-bed, as well. Jane, who had come back with them, slept in the lean-to at the back of the house with three of the youngest children. She insisted that she liked to sleep in the lean-to but Sally Long understood that Jane thought she was helping her. Jane was mindful of things like that.

"You ain't heerd nothin' yet from Stone Daugherty?" asked the wife of Will Long.

"Nary a word."

"Did ye go to see Lawyer Blevins like I arst ye to?"

"To be sure I did, the mornin' we come back." Will Long pulled off his boots. "He said if Stone Daugherty had plumb neglected Jane, that we-

uns could go to the county court and seek to have her bound to us fer her board and keep. I dunno much about that fer I sez to him that if we-uns tried, more'n probable Daugherty would fight hit, in court and out. Hit's jest like that onery brute—"

"And him hatin' her."

"Hatin' her or no, hit wouldn't matter to Stone Daugherty. I got the notion that there ain't nothin' we-uns can do that he won't rise up again hit from cussedness. He'd plumb swell up thinkin' that folks would think he were not good enough to keep his own dotter. He's got to be a-rulin' and a-blowin' afore somebody."

"Hit ain't Christian to let Jàne go offen with him," said the wife of Will Long. "If I gits a chancet, I'm going to gin him a piece o' my mind. I'll tongue-lash him till he blisters."

Her husband laughed. "I ain't sayin' but what ye could do that and do hit well. I'd be more'n pleased to hear it. Jane's his own dotter. There ain't no man courtin' her and from what Lawyer Blevins told me Stone Daugherty's got the say about her and he's got hit agin us."

"Well, I hopes I ha' the chance to give him a piece o' my mind if he do come arter her."

"Set steady," said Will Long sleepily, "There ain't no use in wadin' a creek till ye comes to hit. He mought and he mought not. There ain't no use in gettin' in a fret about hit and there ain't no use in gittin' the gal into a fret."

But Jane, lying wide-awake in the lean-to, was "in a fret," that she could not find any way of straightening out, try and try as she could. She had been with the Longs for a week. Work as hard as she could, it did not seem possible for her to manage to keep from worrying when she was alone at night.

Jane was quite definitely sure of the screaming death of her father's woman. She could not shake off memories of her, the terror in which she had lived and died. "She were older'n me but she never had no power in her to stand up agin him. I seed him kill her. I seed him kill her and I run'd fer I were skeered." The time of misery in the court house when her mind went around in circles was still dark with suffering. God had stricken her dumb, not for wanting to speak

the truth, but for daring to raise her voice against her father. That was the greatest sin against God. She thought bitterly about what people would think of her. "They'll think I'm a bad woman. There ain't nobody that'll want me. Mebbe, Maw Long don't want me to live with her young-uns. She's jest keepin' me fer a spell out o' her kindness. She can't take me no placet." She thought about her father. "He may come and git me. He said he wanted to kill me. I can stand hit if he do. I ain't skeered on him no more fer I ain't carin' fer nothin'." She got up from her bed and walked to the back door and looked at the moonlight which silvered the mountain sides. "If paw comes and gits me I wisht I were dead. There ain't nobody else that wants me and there ain't nothin' fer me to do fer Maw Long beyant to be a sort o' cook and work fer my keep. I can't go outen the house and see nobody. They'll be sayin' that I be the one that God struck dumb when she tried to hang her paw. I never lied. He'd a-kilt me if I hadn't ha' run. I wisht he had a-kilt me."

Jane was sitting on the doorstep when the wife of Will Long tiptoed into the lean-to to see if

the children were asleep. She heard low sobbing. Jane had her head buried in her arms. "Git back to bed, Jane, ye'll catch yer death o' cold in the night air." Her voice was kind.

Jane raised herself wearily. "Yes, marm."

The older woman patted her on the shoulder. "Don't ye bother, Jane. There ain't nothin' evil goin' to happen to ye so long as I'm lookin' arter ye."

"Yes, marm."

"And don't ye bother about nothin'. God looks arter people who does right."

"Yes, marm." The child's voice was low.

Sally Long stooped to the bed to see that the young-uns had some cover on them for the night was cold.

"Ye air goin' back to bed, Jane?"

"Yes, marm."

"Well, don't ye bother no more. God ain't fergettin' ye. He ain't fergettin' nobody who calls on Him."

"Yes, marm." Jane was back in her bed and by her the youngest whom she looked after with eagerness, feeling almost that it belonged to her. It slept very soundly and never cared that long

after the wife of Will Long had gone out of the room, Jane sobbed herself to sleep. God watched only over those who obeyed him.

A wagon drawn by slow-moving oxen stopped the next morning in front of the Long house. Two men were sitting on the seat and they "hallooed" without getting down.

Will Long was at work on a new barn at the back of the house. He came around to the front and the two men got out and sat for a while in silence. One of them volunteered finally. "We've brung ye John Semple."

Will Long looked up in surprise. "Brung him?"

The man who had spoken to him took a twist of tobacco and bit deeply into it. "He had to be brung. He's blinded, or nigh to blinded. I reckon he's plumb blinded."

"By who?"

"Stone Daugherty."

Will Long's face clouded. "Ain't nothin' done about hit? We got peace officers."

"Can't be. Hit were Semple that started it. They fit in the square."

"Gouged out?"

"Nigh to. Semple jumped on him in the grog shop. They fit till they was both wore out. Daugherty got on top."

Will Long thought for a moment in silence. "I ain't hardly knowin' the man."

"There ain't none other does. The folks at the inn sez they ain't fixed to keep no blind man what needs nussin' day and night. There's somebody got to look to him and you-uns were on the same side o' the trial. The folks up in Jacksboro, they sez to bring him on to ye."

Will Long spoke quickly for him. "I ain't one to turn a sufferin' human bein' from my door. We'll move him inside."

They let the tail gate of the wagon down. Semple was stretched out on a pile of straw, his head tied up in bandages. His hands made futile effort to wave away the swarm of flies which had followed him and fought for dried blood. All of the Long family gathered to help. "Law's, the poor man," said Sally Long. "You-uns bring him in here and lie him down on the bed. The poor man! We-uns will take care o' him. It wouldn't be Christian to turn down a sufferin' human bein'."

"We can put him in the lean-to, maw," said Jane eagerly. "Please, marm, you-all said I were growed up. Me and all the young-uns can sleep in the same room and I can lay on the floor. It ain't nothin' to me."

Jane helped the wife of Will Long fix the bed, determined to be of help. "I can do a lot o' his mindin'. I be a good han' 'round a sick bed, you know you told me that when the leetlest-un were ailin'—I can tote water for him and I can fix his victuals."

John Semple's head was bound up all except his mouth and the lower part of his chin. He could scarcely walk even though the two men who had brought him held to his arms. It had been no easy thing to ride over fifteen miles of bad road. "Stretch yerself out," said Maw Long kindly. "We-uns will leave ye fer a-while to yer restin'." She turned to Jane. "Git ye a cheer and set by him. There may be aught ye can do fer him."

It was dark inside the room and Jane sat by him for a long time in silence.

"This be the Will Long house?" his words were almost whispered.

"It be." Jane had thought him asleep. "You be very welcome."

There was an ever so faint tremble to his chin. "I ain't nothin' but a blind man. I ain't nothin' to welcome."

Jane fanned his swathed head. "Don't ye be botherin' 'bout that. There ain't no tellin'. Mebbe in a week you'll be out spry as a cat." Her voice was cheerful and the quiver in the chin stopped but he said nothing else.

Will Long came in when dinner was over and held a brief conference with John Semple. "I ain't never had no dealin' with eyes that be hurt like your'n. I've holped doctor them that were put out with a ball and mostly they died. Howsumever hit ought to be a wound like any other sort o' wound and I jedge that hit ought to have the wroppings changed to keep the hurt fresh and to be shore that no flies has blowed hit. I ain't a-mindin' doin' hit though I'm tellin' ye afore, I'll jest have to call on my jedgment o' wounds. Eyes may be a sight different."

Semple's voice reassured him. "Hit's got to be done and hit might as well be ye as the next one."

The brood of children were shut out of the

room with only John Semple, the wife of Will Long and Jane left. "Git two buckets o' water," said Will Long, "and some clean rags o' the softest ye can find if ye have to tear up a dress. It ain't time yit to put on no poultice or nothin'. Jest clean rags and water. I never was one to believe in doctoring with yarbs for sech a hurt as this be."

When the bandages were removed, one of Semple's eyes was tight-shut, flattened out, with matter exuding from it. Will Long looked at it critically, talking to Semple about it quite naturally and not sparing his feelings. "There be one o' them that's gone. There ain't no hope fer it. It's plumb out. I ain't so sure about the other. Hit's bad hurt." With his hands moving in a way that was surprisingly gentle, Will Long lifted the eye lids and washed out as much of the blood as he could. He worked in half-darkness with Jane and Sally Long standing silently near him and giving him things when he asked for them. "I ain't a' sayin'," he said finally. "He might see from the right 'un and he mought not. Hit's more'n likely he mought not." When he

was done, Jane and the wife of Will Long wrapped up Semple's head again.

"Hit do feel better," said John Semple. "I be sorry if I fleenched."

"Eyes be techeous," said Will Long, as casually as if he were talking about the weather. "You ain't fleenched no more'n common."

John Semple lay on his back. "I wisht I was dead. There ain't no use in the world for a blind man."

There was so much of discouragement in John Semple's voice that Will Long lingered. "Keep up your heart. Yer right 'un may git well and ye may ha' some sight in hit. I ain't sayin', but ye may."

John Semple tossed his arms. "Some sight in hit! Lord God Almighty, what good will some sight be to me? There ain't no work for a half-blind man. I wisht that lyin' woman-killer had a-kilt me. God ain't on the side o' right. There be no God and hit's all a damned lie."

"You be still," said the wife of Will Long comforting him with her hands "and you pray to God so's he may holp ye."

They both had work to do and left Jane to sit by him. John Semple was quiet for a long time. It was perhaps two hours and he had not said a word. "Would ye like a sup o' water?" asked Jane timidly.

His hands moved restlessly. "Who be ye?"

"Jane."

"Will Long's dotter?"

She never thought of deceiving him. "No, sir, Jane Daugherty."

"Where be yer paw?"

"I ain't a-knowin'."

"He ain't never took ye home?"

"No, sir."

"Do Will Long know where he be?"

"No, sir."

As he talked, his hands made continual movement toward the bandages over his eyes as if with a determined gesture toward tearing them off—then they would fall helplessly to his side. Jane knew that he was in pain. "Hit were better," he said after a long silence, "if he'd never come arter ye. Hit ain't fitten that he live."

There was little that Jane could do for him except to fetch him water. After a time, she

slipped out to help the wife of Will Long in the getting of supper. But because, from the very first, the household had turned him over to her to nurse, and because Will Long and his wife had seemed to look on her as a grown woman, able to stand the sight of blood, Jane Daugherty felt an inward surge of power which had long been denied her. Here was a human being for her to look after—someone dependent upon her—somebody to sacrifice for. That night when she lay down on her pallet she slept soundly; for the first night since the trial her mind did not go around in the circle of her own troubles.

Left most of the time to his own resources, John Semple got well slowly. Will Long was busy and never had time to give him much heed. There was the full gathering of crops, the corn to be shucked, the fodder to be pulled and Will Long was not one to let his crops "spile for want o' tendin'." The apples were to be gathered and to be put carefully into the cellar, the ripest ones to be made into cider and vinegar; winter shoes to be fixed for his brood of children, the oldest "set" of whom had to walk five miles to a school-house. The wife of Will Long was incessantly at

her spinning and weaving, her tendin' o' the place. "Hit's a sight out o' mind how much there is for a body to do when the winter's nigh to comin', what with the young-uns havin' to be got to school. They's got to larn their readin' and their writin' if hit wars their feet out a-walkin' to git hit." In all this activity, there was little for John Semple to do except to lie flat-backed, and none except Jane with time to look after him. There were only snatches of time even for her but she never took a moment for herself, passing up with scorn Maw Long's insistence that she go to school. "I ain't no leetle-un to go traipesin' off to that old school and ye so busy, what with John Semple here." There was a great deal to be done for a man who was helpless and had to lie on his back.

John Semple, except at the rarest of times, never complained about his eyes hurting him. He had not even said a word about two of his ribs being broken until Will Long had found it out by accident. Now and then when they were alone and he talked to Jane, he seemed querulous, not able to understand what had brought his trouble on him.

"Hit's natural fer a man to take up fer his own folks, ain't hit?"

"Hit's more'n natural," said Jane.

"Hit's not standin' to human reason that he had a fair trial. I knows he done hit. You-uns tells me he done hit. I ain't gittin' through my head all this talk about God strikin' ye dumb."

Words were difficult with Jane and she was glad that he did not see her face. It was not good that he know her failure. "I were onreasonable scairt."

"Scairt o' what?" Semple turned his bandaged head toward her as if he could see her.

Her voice was low. "I were scairt o' paw, I reckon."

"From him beatin' on ye?"

"Yes, sir, and from there bein' so many to hear."

"He beat on her some, didn't he?"

"Yes, sir, when he were outen his mind."

"How come he whupped ye? Ha' ye done aught to him?"

Jane still groped for words. "I waren't goin' to let her stand no beatin' and not ha' a-body to take up fer her. She come to me fer her cryin'.

I waren't goin' to let him run over nobody and whup on 'em without fightin' back. He were too"—her words were very low—"he were too big and too strong to fight agin'."

"How come he whupped her?"

"I don't be a-knowin'," Jane got up from the side of the bed and went out of the room. "I got to be holpin' Maw Long."

As Semple got so that he could walk, it was Jane who led him around by the hand, who tried to get him adjusted to the inside of the house. "Mind ye, there's a cheer, and at this end, there be a fire. Step easy when ye walk fer the leetlest ones is allus a-crawlin' and ye might mash 'em." She fixed his meals for him, showing him how to guide his food to his mouth. "Don't ye be bothered, hit ain't no trouble to me."

Jane's eagerness in nursing was so pronounced that the wife of Will Long talked to her husband about it. "Hit ain't no trouble to keep that John Semple. Jane's done took to him like he were a baby. I allus knowed that gal were a natural born woman o' the best kind. She does her work fer me without no complaint and she's added to hit six times in nussin' a growed man,

by day and by night, the likes o' which I never seed."

"It ain't hurtin' her none. Ha' ye noticed how stout she's lookin'? Allus were a quiet-un but here o' recent, I heered her a-singin' when she were trottin' down to the spring arter water."

"She's growed up all of a sudden. I takes hit she ain't got her mind on bothers no more."

"Hit's the masterin' o' bothers which makes fer growin'," said Will Long wisely. "All o' ye women thrives on a hard-to-do and mebbe the lookin' arter Semple, and him crippled, give her rest. You waren't nothin' but a wild little gal when I married ye and now look at ye."

The wife of Will Long was flattered. "Go on out to the field and quit making yer words up fer a woman what's fat and the mother o' eight. I reckon hit's you that kept me from being wild and I'm plumb ashamed o' ye."

One afternoon, Will Long led John Semple out on the porch and took off his bandages. "Can ye raise yer lid? Try now. Hold yer hand on the one that's out."

John Semple tried; he winced from the pain of the light but his eye was open. Will Long

passed his hand in front of his face. "Hit's a shadow," said John Semple hopefully. "Hit looked like yer hand."

Will Long slapped him on the back. "Hit were. I'm thinkin' ye'll git some sight in hit. I ain't sayin' how much but hit'll be some. Ye can tell night from day and ye'll be able to feel yerself around spryer than ye thinks."

He led John Semple back into the house. "I aims to lie down fer a spell," said John Semple. "The feelin' o' light in my eye has made me plumb sick."

Jane found him there just before time for supper. His face was turned to the wall. "Maw sez Will Long's a sight proud o' ye."

John Semple kept his face hidden from her. "He sez, I can tell the night from the day and if I be lucky, I can sort o' feel around." Words seemed to hurt him. "I were sort o' proud o' myself afore. Allus a-ridin' 'round fer a show, and free in company. A-dancin' and sech like. He sez I can tell night from day and I can feel 'round."

There was so much misery in his voice that Jane took his hand as she would have taken the hand of a very small child. "There ain't nobody

a-mindin’,” said John Semple, for his misery was more than he could bear.

She was not able to reason about it but afterwards Jane Daugherty was glad again that he could not see her. “Ye got me,” she said softly, holding tightly to his hand. It was a little thing to have said but she colored and turned her head. A little thing to have comforted a great, grown man whose chin shook with his own misery. A little thing but thereafter, Jane Daugherty, who had given him a pledge of loyalty, would have cheerfully fought for him against all the world. God had denied her—the few people of the world outside of the Long family might always look at her with eyes that were half-scornful or curious. That could be endured. Here was one human being, one man who had looked to her for comfort and in him was all faith in herself, all faith in God. Thereafter Jane Daugherty belonged to him and to him alone.

It was quite by accident that just then Sally Long looked through the door. Women understand each other. She immediately went out of the house, looked for Will Long and found him in the barn admiring his pigs.

"Jane ha' set her cap fer Semple." She was eager to talk. "I don't know if she really know hit."

Will Long smiled. "The Lord ha' mercy on him. Ain't there nothin' can be done to save the poor man?"

"Poor man, nothin'. He's more'n lucky. Hit ain't him that's botherin' me, hit's her. He ain't got nothin' that I knows on and I ain't goin' to sit by and see her keerin' fer him. Men are a sight o' trouble if they be well."

"I don't know that there's nothin' ye can do about it," said Will Long thoughtfully. "A woman git's her mind set and there's no power on yearth to stop her. I ain't so sure she'd do bad. She might go further and do worse. The more I sees o' that feller, the better I takes to him. He ain't doin' no grumblin' and he's got the guts to stand trouble better'n common. I've seed a lot o' yellin' in my time by them that waren't hurt half so bad."

"Hit's a livin' that bothers me," said the practical Sally Long. "There ain't nothin' fer a man to do, without his sight."

"I ain't so sure about that. He's good with his

hands. He can't see much but the world's a sight changed from what it were. Fer a sample, I don't see why he couldn't larn to make wheels—there's a feller in Jacksboro right now that don't do nothin' else. He mought larn to make wooden dishes. Semple's got the set-up for a working-man and he's honest. He might even tend stock. There's no tellin'. He's allus a-comin' 'round now whar I be workin' and wantin' to holp out. He ain't no slouch. She might do worse."

The wife of Will Long was mollified. "Sometimes ye come nigh to sense. I wonders if Jane and him was to hit it off, if ye'd holp 'em out. Hit might give 'em a chancet. Ye be more'n generous-hearted."

Will Long liked his wife to say nice things about him.

"To be sure I would. I'd almost keep that John Semple fer what he can do fer me now. I could show him a lot o' things. Hit would suit me powerful well, fer arter they did git married we could let Stone Daugherty do all the blowin' he wanted."

Yet it was Jane, and Jane alone, who knew something of the continued despair in John Sem-

ple. She gave him unsparingly of comfort, asking nothing in return, expecting nothing, only eager in her giving.

Jane found him the next morning sitting by the back steps, tying up his thumb from which there were slow drops of blood. She gave a frightened look at his hurt and ran into the house for water and some cloth. She bent over him. "You, John Semple, ye've hurt yerself. Why not call fer me?"

"Hit ain't nothin'. I mashed my thumb with a hammer."

"What were ye doin'?"

"I were nailin' some boards on a wagon bed."

"Did Will Long see ye?"

"Hit needed fixin'. I ain't goin' to set around and arst him fer work."

The thumb nail was torn loose. "Ye ought not to be tryin' to do nothin'." She scolded him as if he belonged to her.

"I can't stand to be settin' and not workin'." His tone was bitter. "Here I be settin', settin', livin' off a stranger who ain't got no more than fer his own use and lettin' a gal lead me 'round.

I got to be gittin' out o' here, even if hit's jest a beggin' through the settlemint's."

She was glad that he did not see her fright. "Ye ain't a-goin'. Will Long ain't a-carin' if ye lives here."

"Hit's me who's a-carin'. I set here like a beggar livin' off o' one man. What all can a man do and him blinded? There ain't nobody a-carin'—there ain't nobody wantin' me to set in their chimney corner eatin' ther victuals."

She tried to comfort him. "There be a lot o' work that ye can do."

John Semple held up his hand—the cloths tied around his thumb were stained red. "I tried that a-ready."

"But I can help ye."

John Semple got up and started inside. "And give yerself up to a life time o' holpin' a man that can jest tell the difference betwixt night and day. I'm goin' to git out to my beggin'."

For reasons that Jane did not understand, John Semple was in good heart with the Longs. Perhaps because of his quick emotionalism which the mountains had not yet brooded out of him,

or perhaps because Jane was so sympathetic and mothered him with such eagerness, he seemed to reserve his depression for her. She shared his confidence more fully than the others. That day during dinner John Semple spoke up quite cheerfully. "I'll be gittin' along back to Carolyn in a day or so."

"To do what?" asked Will Long, surprised. "Ye be welcome to stay here for so long as ye choose. I'm findin' ye handy around the placet."

"To traipse around a spell," said John Semple cheerfully. "I got friends back there and I'm knowed well."

"And how do ye aim to make hit?" Maw Long stopped with a skillet in her hand.

"I dunno. There'll always be a hand along. I can git a ride acrost the mountain by askin'. There ain't nobody goin' to turn down a cripple." He actually laughed.

"Well, I dunno about that," said Will Long. "I'm not pleased with the thought o' ye goin' on yer own yit. What air ye goin' to do when ye git back?"

"Work, I reckons. I'll find some sort o' to do." The wife of Will Long, with an incurable pas-

sion for adopting people who needed help, immediately objected. "Ye can't git out o' here yit. Who'd feed ye and give ye victuals? Ye set right here till I mind ye to git out. Ain't nobody said nothin' to ye about not being welcome."

"Hit ain't that. Hit's jest that I be due away."

"Well, if ye be plumb set to hit," said Will Long, "I'll take ye to Jacksboro with me the next time I travels that fur, though I ain't pleased in my mind about yer goin'."

No one had paid any attention to Jane who busied herself feeding the children whose many hungry mouths were open for a mess o' bread and beans. When she was done with her own eating, done with helping Sally Long wash the pots and pans, Jane went back to the lean-to. John Semple was not there—he was not in the barn nor was he with Will Long. She found him down by the creek tossing little pebbles into the water.

He had heard her coming. "Ye got no right to go off from the house into a rough placet like this be," said Jane, "without somebody to go with ye."

"I ain't got no right fer nobody to go with

me," said John Semple slowly. "Here nor anywheres."

Jane sat down by him. "Ye said ye were goin' off."

"I be."

"Who's goin' with ye?"

"Nobody."

"Who's goin' to set your victuals afore ye, who's goin' to keep ye from fallin' on rocks and over cheers?"

"There ain't nobody goin' to. I'd drownd myself in the creek afore I'd let you tramp around carin' fer me."

She was silent after that. It was only because for so long she had led him around that Jane Daugherty dared then to take his hand and hold it.

It was so that Stone Daugherty, coming out of the edge of the woods, found them.

CHAPTER II

STONE DAUGHERTY had come by Will Long's place once before in the last few days. He had had half-a-mind to go inside but had not quite decided about it, so he had passed on by. There was no question with him about his right to take Jane back if he wanted her but he was not sure that he really wanted her. He was bothered mostly about what people would think. "It ain't fitten to let her bide with them tha's agin me. They'll think that I ain't got the guts to take her away from Will Long. And them harborin' John Semple! The whole God-damned lot, laughin', a-sayin' to theirselves they took her away from me." It was also quite possible that Stone Daugherty did not want to "have it out" with Will Long. The steady calmness of Will Long's voice and unflinching eyes bothered him. Will Long never seemed to get excited. "Christ, Amighty, he can't say nothin' about me takin' her. She ain't hissn. I can have the law on him if he do."

He passed through the edge of the woods, this

second time, his rifle swung in the hollow of his arm. If he should see Will Long, he might mention to him easy-like that he'd come by to find out if Jane was all right. He'd just let him know that he hadn't gin her to him. He'd just let him bother about her fer a spell.

Stone Daugherty came out of the shelter of the woods, and there, with their backs turned to him, were John Semple and Jane, Jane with both of her hands holding to John Semple's. Stone Daugherty's temper had a way of flaring up in him so that he couldn't well remember what he did after it had cooled, but this time he kept it under better control than usual. He walked softly behind them and as Jane turned when she heard the sound of his footsteps, Stone Daugherty slapped her so that she spun and fell. "For shame on ye," his voice was hard and threatening. "For shame on ye, ye little slut."

John Semple groped on the ground for a rock. Stone Daugherty stooped and found a heavy one which he softly put in the way of Semple's seeking hand. As he reached it, Stone Daugherty's boot crashed against his wrist with a blow that near to shattered the bone. "Still arter me, air

ye, blind man? I've a mind to kick ye in the belly." He towered over him belligerently. "Ha' he naught to say? Afeared, air ye? Ye ha' cause ter be."

Her father turned savagely to Jane who had fallen into the shallow water. Her face was pale but she stood up and faced him. "Ye can come to the house with me, now. I'm goin' to take ye to the house with me and arter that, I'm goin' to take ye home. Ye out here with a blind man and yer arms around him. I won't stand fer no hussy."

A sullen-faced Stone Daugherty, sullen but with the blind rage in him gone, led Jane up to the house. He checked her once when she tried to turn back. "Leave him be."

"He'll fall," said Jane. "He can't see how ter git over them rocks."

Her father twisted her arm. "Hit'll be a good thing if he do and if he break his neck."

Stone Daugherty stamped noisily up the steps, pushing Jane in front of him. "Git inside and git what things ye got. I won't stand fer no gal o' mine bein' a slut."

The wife of Will Long came out on the porch

and took one swift glance at Stone Daugherty. "I've come arter my own dotter." His tone was belligerent. "I found her down the road, a-layin' in the arms o' John Semple. I ain't wantin' no slut in my family. The gal can pack her stuff and go with me."

Sally Long was lost in fear of this grim Stone Daugherty, who towered so threateningly above her. Jane had disappeared and there were low sobs from the inside of the house. Without a word to Stone Daugherty, Sally Long went through the door and took Jane in her arms. "Oh, law's, honey, don't ye be afeared. The Lord'll take keer o' ye." Over and over, she repeated it. "The Lord'll take keer o' ye, ye poor little lamb, ye poor little lamb." Even as she rocked Jane in her arms, she motioned to one of the children. "Run down into the field and git yer paw. Tell him ter come quick."

When Will Long came to the house, Stone Daugherty was sitting on the steps. Will Long had no idea why his wife had sent for him in such a hurry, yet he expressed no surprise whatsoever at seeing Stone Daugherty. His voice was low and unperturbed. "Howdy."

Stone Daugherty, immediately on the defensive, looked at the toe of his boot. "I come arter Jane."

Will Long seemed to think that over very carefully. "Hit's your right, as I sees hit."

Stone Daugherty was so relieved that his voice had more confidence. "Hit's a question o' right, and I knows ye to be a man o' sound sense." He hoped the argument was closed and sat in silence. Will Long was slow in answering him.

"Hit's sound sense, Daugherty, and hit's sound sense, as I sees hit, fer a paw to take keer o' his own dotter and to be full o' reason with her. Jane ha' told me there were times when ye were onreasonable cruel to her."

Immediately, Stone Daugherty was on the defensive again. "I ha' gin her good victuals and placet fer her keep. She be a stubborn young-un and I ha' whupped her some. Not more'n common. Hit's the duty o' a paw to use the rod in the bringin' up o' his own."

"I ain't sayin' that ye ain't right," Will Long lit his pipe with provoking calmness. "Hit's the matter o' reason in the use o' the rod. Sally, she sez that the gal is mindful and I ain't never

caught her in no lie. There ain't no use in poundin' on her fer nothin', be there?"

Before Stone Daugherty could answer, the wife of Will Long came out on the porch, her arms akimbo. "I'll thank ye ter wait awhile, Sally," said Will Long evenly. "Go set in the house till I calls ye." Sally Long looked at Stone Daugherty and started to speak, but she turned her back and went indoors.

Stone Daugherty blustered as much as he dared. "There's none other can come betwixt a paw and dotter. There ain't none else knows the fightin' she can gi' him."

"And that be gospel," said Will Long levelly, "only I'm sayin' that to my jedgment and to Sally's, the gal be reasonable and ain't needin' no whuppin's." He lowered his voice so that none on the inside of the house could hear. "Of course, I be a peaceful man, Stone Daugherty, and I believes in the law and I ain't disputin' hit by word or act. There ain't no way I've got to be denyin' your right to take her away with ye, if ye chooses. Howsumever, I'm jest tellin' ye quiet-like, jest ye and me, that if the gal gits hurt—if she runs home and sez ye beat her onmerciful, in

the nature o' jestice, I'll come ter yer placet, man to man, fist to skull, and I'll whale ye. I'll give you a 'laced jacket' o' your own. I ain't a bit doubtin' but what I can do hit and ye ain't neither. I'm sayin' hit jest fer you and fer me, and I'm thinkin' ye won't be fergittin' hit."

There was noise from the side of the house and John Semple stumbled up. "Set down," said Will Long. He was like a judge on the bench. Stone Daugherty looked at Semple and his antagonism swept him into ill-chosen words.

"Hit's account o' him I'm takin' her away. He ain't goin' to make a slut out o' my dotter—"

"And that's a lie," said John Semple quickly and with heat.

"Ye were down on the creek bank," said Stone Daugherty savagely, "and I caught ye both at it."

John Semple got to his feet. "Ye air a God damned liar—"

"Set down," said Will Long calmly, "and keep yer mouth shet. If there's fightin' ter be done here, hit'll be me who does hit." He turned to the house. "Come out here, Sally, and bring Jane with ye."

They stood on the steps. Will Long took out his knife and selected a piece of wood on which he whittled with exaggerated care. He looked up at Jane. "Yer paw," he jerked his thumb toward where Stone Daugherty was standing, "made the claim that ye were doin' wrong with John Semple down on the creek bank when he found ye."

Jane looked at him squarely. "I ain't done no wrong. I helt to his hand. He can't see good enough to go 'round without a-body holtin' to 'em. I won't let him go 'round without nobody to holt to him."

"I ain't tryin' ye fer nothin'," said Will Long quietly. "Let yer mind be at peace fer I believes ye."

They all sat in silence. "Yer paw's come arter ye, Jane," said Will Long finally. "I gin him a leetle talk about treatin' ye fair and not beatin' on ye. Does ye aim to go with him?"

"Yes, sir," her words were very low. "I aims to if there ain't nobody sayin' nothin'." There was silence, so she went back into the house and brought out a small bundle of clothes.

"Hit's all she's got," said the wife of Will Long, looking at Stone Daugherty, "and if I were you, Will Long—"

"I'd thank ye to be quiet, Sally," said her husband.

Stone Daugherty got up from his seat and picked up his rifle. He was quite sure that Jane would follow him as he walked out of the yard.

The wife of Will Long looked after them for a time in silence. "The poor lamb. Both on ye done wrong. Men is plumb fools. That names ye, too, Will Long, settin' here and actin' like hit were a court. Ye got no right to let a leetle young-un like her be dragged off by a brute jest because he be her paw. I'm ashamed on ye." She turned to John Semple. "And ye, a great big onery man standin' by and lettin' him take her off and not havin' the guts to speak out." Sally Long's eyes flashed.

John Semple turned toward the house. "I wisht ye'd leave me be. I got too much guts to let a woman lead me 'round. Hit were better that cripples be dead than bein' a bother to them that nusses 'em."

Always her father took Jane from the peace that she found away from him. Always he came and took her from people who were kind to her. Her strength seemed to leave when she was with him. She was a helpless child, not daring to raise her voice, unless she were spoken to. More helpless now than ever before. Nobody wanted her except her father. Even John Semple didn't want her to lead him around—he didn't need her and he would be ashamed to be seen with her.

When they came to his cabin, Stone Daugherty motioned her to sit down on the doorstep. "You and me," he said harshly, "can git along tolerable well, providin' o' one thing. No talkin' back and doin' what I tells ye. Do ye mind that?"

"Yes, sir."

He seemed determined to make her feel as badly as he could. "Do ye see what ye got fer not sidin' with yer paw?"

She nodded her head in misery.

"Dumb again, be ye? I think ye air not only dumb but ye air out o' yer mind. They were jest notions in yer head and never let me ha' a word out o' ye about 'em. Nary a word, with folks or

without folks. I'll have the sheriff put ye in the jail fer bein' crazy. Do ye mind that?"

"Yes, sir."

"Nary a word, or I'll whale ye. More'n that, there ain't none that'll listen to ye. Ye ha' been tried in the court and ha' been found to be a liar in the sight of God. Ye are wusse'n a slut and it's only yer paw that'll bed ye. Git into the house and fix victuals."

The house was haunted by memories; there was a place on the floor that she avoided. He watched her with narrowing eyes. "Quit snivelin'. I can't stand to hear no snivelin'. Hit's the one thing what drives me bereft. Snivel, snivel, snivel." And then suddenly, "Did that John Semple take a fancy to ye?"

She fought for words. "No, sir."

He laughed at her. "Mind me. If I hear o' ye bein' friendly with a blind man, and, worse'n that, one what's tried to kill yer paw, I'll wring yer little neck. Do ye hear that?" She was silent.

"He ain't said nothin' about marryin' ye, has he?"

"No, sir."

"Him to be marryin' ye!" His voice was full of scorn. "How can a blind man keep a woman? Christ, ye wouldn't be much for his pleasure. Ye ain't nothin' to look at and he couldn't do nothin' but feel ye. There ain't nobody but a blind man would want to feel ye."

She looked up at him and was frightened. His eyes were bloodshot, his face twisted into strangeness. She had seen him look like that before. "I don't think that ye be my own. I'm wore out with lookin' at ye and botherin' about ye." He walked restlessly around the room. "Git out o' my sight. Git out a-fore I hurt ye." She fled from him in fear, coming back long after he had finished his supper, and creeping into bed, not daring to let him see her.

It rained for three days. Stone Daugherty had nothing to do, and the water fell in torrents, so that neither of them could stay out of doors. Most of the day he would sit in front of the fire, at times watching Jane. She tried to avoid looking at him directly. There was the fire to be kept going, his food to be cooked. There was little to be said, only his eyes kept following her. Semi-darkness, except for the gray light which filtered

through the cracks in the wall, the red light of the fire. When he did speak to her, his eyes were half-cruel, half-jealous, though Jane did not understand that. She knew only that she was frightened.

"He never spoke up, did he, when Will Long give him a chancet? He never said nothin' about marryin' ye, did he?"

"No, sir?"

"He didn't want ye, did he?"

"No, sir."

"Did he do hit to ye?"

"No, sir." She was like a frightened animal at bay. He got to his feet. "If he so much as come around ye, I'll drill him like I would a snake. One more word outen that bastard and I'll finish him, and I ketch ye sayin' a word to him, I'll whale ye."

He turned his back on her, crossed to the fireplace and took down his flintlock and shot pouch. He did not look at her again, talking to her with his back turned. "I'm wore out settin' here and havin' to look at ye. Ye ain't flesh and blood o' mine. I'm goin' to git out o' here and git some fresh meat and I'm goin' to git to a placet where

I can git me a woman fer the askin'. I can't stand settin' here. I can't bear lookin' at ye. I'll make me a 'round and be back in three day. Ye can have supper fixed." Still he did not look at Jane who stood white-faced in the corner. "No slippin' off. If I so much as hears about hit, if I so much as thinks that John Semple's laid his hand on ye, hit'll be the end o' him and hit'll be the end o' you."

Stone Daugherty had lived in the pit of his own miseries—had mouthed about them in solitude and in the company of men when he was drunk and when he was sober. Men didn't like to hear about his troubles—men wouldn't be reduced to his level of unhappiness. Always when he was with men, he could not stifle the urge in him to talk about himself—about how hard life was—how unfair people were—wanting to make himself important. Either they turned their backs on him, or laughed at him behind his back. He knew that they were beginning to laugh about him. "E' God, women were a sight different." A man owned a woman and a woman couldn't laugh at a man. A man had the right to make a woman give up to him even by whipping her.

They were not strong enough to fight a man—not when he owned them. He hated the wife of Will Long, because she looked at him with eyes that were unafraid. A woman ought to give in to a man, ought to be tamed—ought to be “beat on,” and that gave him a sort of sly feeling of satisfaction which was half that of mastery which he liked.

Jane stood up to him—she had stood up to him in behalf of the snivelin’ little Semple woman, whom he had hated. It infuriated Stone Daugherty. “My own dotter fightin’ agin’ me. I’ll break her yit.” It was half rage against Jane—more against her than against the weak little Semple woman, that had led him to murder. He hurt something that was dear to Jane and in doing what he did, he was hurting her. He wanted once, just once, to make this stubborn girl who called herself his daughter give in to him and cry and cry. His hands always shook when he thought about that. A woman standing up against him and fighting him! He’d go away and leave her and if John Semple so much as spoke to her she’d never forget what he’d do to her.

Jane sensed her father’s attitude toward her

even if she only half-understood. He seemed to take a sort of joy in "picking on her." There was a troubled shadow around him, and around her, when they were alone together—always he was nagging at her and watching her with eyes that were cruel and half-lustful. "It ain't fitten that he live." Over and over again she thought about that, because she had heard John Semple say it. She lay in her bed the night that he left and trembled from fear for no reason that she could find.

CHAPTER III

. . . AND so at the end of two days, voices came through the mist, a hand shook the barred door. "You, Jane," and she opened it for her father and a drunken trapper, Will Dodge. And so she fixed their supper for them, afterwards undressing in a shadowed corner of the room, lying down on a pallet to be wakened later by the crash of an overturned chair and her father's first storming outbreak when Will Dodge told him that people still talked of him as a murderer.

. . . And so, Jane Daugherty covered her head with a blanket when her father's drunken anger turned against John Semple. "I'll tromp his guts out. I can git one o' the two enemies I got—."

"A peart young-un to work," lying trembling in the darkness. A grave girl, with eyes which were frightened but with a set to her chin and the lines of her mouth as if life were a problem to be mastered. A child, just grown into womanhood. A woman, who, after her father and Will Dodge were lost in drunken stupor, stole from her pallet on the floor and covered the fire

so that it could be rekindled in the morning.

What matter if a man mouth of his enemies? With all of his cunning, with all of his stored energy which is shaped for his own protection, he may, or he may not, be able to protect himself against the hatreds of men. If one could have risen high above the lonely cabin of Stone Daugherty, he might have seen far to the east great mountains covered with trees—fertile plains to the south and west—good places for life to push onward in its millions of experiments. Places for people to live and to make homes for themselves; people, who might, or who might not be the end of life and a crown for its incessant mistakes. Life called for children and children's children. "Here is place for them. Here is food for them to eat." What matter if a man mouth of his enemies? Life must to its creation of new experiments.

"A peart young-un to work." A woman just grown. A woman unmindful of the creative power that was within her—not consciously caring that there were fertile fields for her children and her children's children but giving her loyalty

to one half-blind young man with reddish hair and a flash of white teeth. A woman, swept onward with a mighty urge in answer to the beckoning fields that waited for her children and her children's children.

It was full day when Stone Daugherty wakened and Jane had long since cooked their food. Stone Daugherty's first thought seemed to be for the jug which he found and with shaking hands held to his lips. "Christ God," he swore in sudden rage, "not a God damned drop in hit." He threw it with a crash against the floor. "Git up, Will Dodge. E'God, you sleep like a hog in a wallow."

Men could be silent when they chose or they could storm in anger and it was no affair of hers. Jane put coffee, pork and bread before them and they ate it without looking at her or giving her a word.

Stone Daugherty went to the door, unbarred it and looked out at the bright fall morning. He spat. "I ain't goin' to set around here with no whiskey. I'm sick o' the sight on this here placet. There ain't nothin' fer a man to do."

"We could make hit to Jacksboro afore noon," said Will Dodge.

"We'll git." Without so much as turning to Jane, he spoke to her. "I aims to be back by night or in the mornin'," and they were gone.

Hours afterward, when the sun was well up in the sky, someone called Jane by name from the front of the house. She peeped through a crack in the wall. It was one of the Long young-uns. A boy nearly as old as she, but to her a child. "You set and wait," said Jane, "I'll ship outen the back door and jine ye."

Because she was uneasily afraid that her father might come back, Jane took him to the shelter of the spring thicket. "What air you-uns doin' here?"

The boy dug his bare toes into the earth. "Maw sent me."

"Fer what?"

He thought the question over carefully, even as his father would have done. "To find out how ye be. Maw told me she couldn't come herself and she were afeered paw and him would git at it in a fight. Is yer paw here?"

"He ain't," said Jane reassuringly. "He air gone to Jacksboro."

"Maw said fer me not to come in if I seed him. I hung 'round in the woods."

Some of her confidence came back to Jane. The boy was so obviously frightened that, as a grown woman, she had to strengthen him. "Don't be scairt. Paw won't be back till night."

"Maw said to arst ye if he had treated ye bad. Ha' he beat on ye? Maw said to arst ye."

"Ye tell Maw Long that paw ain't beat on me and that I be well as common. I aims to arst paw if he'll let me git off of a Sunday and I'll come and see her."

They sat in silence until Jane asked him, timorously. "Air John Semple still with ye?"

"He air."

"Air he better o' his sight?"

"I doubts hit. He ain't said no word to mount to nothin' since ye left, 'ceptin' that he had to go to Caroliny."

"And who be feedin' him and lookin' arter him?"

"Hit's me, more'n common."

"Do ye mind him well?"

"I does. He ain't never paid me much heed."

Jane walked around restlessly. "Mind ye, to tend him and try to keep his mind offen hisself. Hit's a hard thing fer a growed man to be blinded. He ain't said when he were goin'?"

"He ain't, 'ceptin' to say he aimed to go, and to arst Maw how much he owed her. Maw wouldn't let him pay nothin'."

"He ain't never arst arter me?"

The Long young-un shuffled his feet. "Maw said not to tell him I were comin' up here. He stopped me afore I made to the creek and arst me if I be comin' up here. 'Arst her, if there be aught a cripple man can do fer her,' he sez."

Jane fell into uncontrolled sobbing. "He ain't no crippled man. He's only nigh to blinded and John Semple air a better man than most if he be blinded. Ye tell him," she turned on the boy fiercely, "to go away and leave me be. Tell him paw's gone plumb bereft—he'll kill him if he set foot here. He sez, he'll kill me if I ever speaks to him again. I ain't the speerit to leave."

Pent-up anguish had overflowed its banks and the Long young-un was completely non-plussed.

Awkwardly he tried to help her. "Ye come on back to paw's. Paw won't let Stone Daugherty tech ye."

Jane lay on the ground. "There ain't nobody wants me. I ain't nothin' even in the sight o' God. Tell Paw Long to let me be. Tell John Semple to let me stay here and die. There can't nobody come here unless they get hurt. Tell John Semple hit were better if I be dead. Tell him to go to Carolyn, to anywhere, never to come see me fer hit were better if I were never been borned."

It was hard going down the creek even for an active boy like the Long young-un. He could not keep any bother for a long space of time and before he had reached his own house, had mentally resolved to go back up the creek, above the big shoals, to see if there were any trout there. "Ain't nobody scairt o' that big Stone Daugherty." He found John Semple waiting for him at the upper end of the Long clearing. John Semple motioned to him to sit down.

"See Jane?"

"Yes, sir."

"How be she?"

"Tol'able, I reckon. I couldn't git much out o' her. The one minute, she said her paw never teched her and the next she were a-cryin' and a-carryin' on. A body couldn't git nothin' straight."

"Did ye tell her I arst about her?"

"Yes, sir, and hit were that whicht got her plumb crazy. She said to tell Maw that there weren't nothin' wrong with her and when I said you arst 'bout her, she got plumb bereft. Threwed herself down and carried on so I couldn't git head nor tail out what she meant. Said for you-uns not to come near her but to let her die and that her paw'd kill ye. Said to let her paw kill her. Said she were goin' to die and that there weren't nobody wanted her."

John Semple picked up some rocks and tossed them into the stream. "If I be you, Will, I'd not say nothin' to yer maw about Jane carryin' on like that. Women is onreasonable. Ye'll promise me that, will ye?"

"Hit ain't none o' my doin's. I'll tell Maw what she said to tell her."

"And thank ye," said John Semple. "I'll set here fer a spell and ye can go on to the house."

When the Long young-un had left him, John Semple stopped throwing pebbles into the water. Once to his feet, he was surprised to find how quickly he moved over the path to the house. He felt his way through the back door into the main room and with groping hands found Will Long's flintlock and shot pouch above the fireplace. With fingers that were skilled, he made sure that the rifle was loaded. With as much haste as he could muster, he slipped out of the back door and hid the flintlock under the barn. He hoped that the peaceful Will Long might not notice that it was gone.

John Semple found the young Will Long and asked him if he could lead him down the road a-ways. When they were well out of sight of the house, they sat down under a tree. "How fur is it," he asked casually, "to the Daugherty placet?"

"Nigh to five mile," said the young-un, "and more'n rough."

"Straight up the creek, ain't hit?"

"Up the left fork, five minutes walkin' arter ye pass the big shoals."

"I were jest wonderin'," said John Semple, "if ye had a hard time gittin' there?"

"There be a mite of a trail. It ain't no worse than common. You got to scrabble to make hit on the side o' the mountain. Nigh to a two hour walk in the light o' day."

"What sort o' placet ha' Daugherty got?"

"Poor enough. Fitten fer a dumb brute. One room and hit weakly built."

"Right by the side o' the creek, ain't hit?"

"Yes, sir."

"There ain't no other field betwixt here and there?"

"Nary a one."

"Scrub along the creek bank in the clarin'?"

"The most o' the field be half-growed up in scrub. There be a thicket with a spring in hit runs nigh to the door."

"Branches off from the creek bed, do hit?"

"Yes, sir. Hit makes the house sort o' half-hid to my mind. Hit sets facin' a wood."

"Well, thank ye fer bringin' me down," said John Semple. "If I set here, I might get a lift on to Jacksboro. There were a trapper passed by here two days ago and he sez if I were out here this time o' day, he might ride me into Jacksboro on a spare horse. Tell yer paw, if I

ain't showin' up by night, that I'll be back in a day or so. I got to be gittin' on into Carolyn and mebbe if I goes to Jacksboro, I can find them that'll look arter a cripple with no pay. Tell yer maw not to be oneasy 'bout me goin' off. I done told her I wuz goin' to pay her in time and she knows hit."

The wife of Will Long was busy washing clothes at the spring. Will Long was planting turnips. It was no very difficult matter for John Semple to get to the barn and find the flintlock and pouch that he had hidden. It was more difficult to escape from the watchful eyes of the children who might notice him. This was his job and by God, he'd do it without askin' fer help. He reached the shelter of the woods at the back of the house—made a wide detour through laurel, over fallen logs, stumbling, falling, but he made it and he got back to the creek again with his feet in the cold, rushing water. Five miles up, somewhere above him was a girl, Jane, who had nursed him, cared for him, been kind to him. She had cried and said to let her father kill her—had sent word for him to stay away. "Well, by God, I'm a cripple and no 'count, but by God,

I'll go and tell her she can have me fer what I'm wuth, even if it ain't nothin'."

Useless for him to try and keep to a mite of a trail. If he set his feet long enough against the downward rush of water, it would lead him to the Daugherty place and it wouldn't fail him—provided that he didn't fall and break his leg. "A man can go nigh to any placet if he's got the guts to keep at hit and there ain't goin' to be no slip that'll stop me. I'll show them Longs that I ain't skeered o' Daugherty if I be blind. I'll show her I ain't skeered o' Stone Daugherty." A man knows less of love than he does of vanity.

It was the fallen logs which bothered him the most—they would loom up out of the semi-darkness in which he moved, they and the laurel bushes which continuously struck him in the face. He could not quite distinguish them in time to avoid them. The creek, scarce four yards wide, was a succession of rapids with pools of varying depths beneath. He found a stick with which he would plumb the bottoms before he ventured into still water. It was slow progress that he made. As he went he thought out what plan he

could. "Blind or no blind, crippled or no crippled, I ain't goin' to let that big brute beat on a mite of a woman. I ain't a-goin' to let her be thinkin' that I be a-skeered to come and git her. Christ, God, I ain't nothin'. If she sez to me, 'I wouldn't have ye', I ain't blamin' her. But if I goes to the house and I sez, 'if you-uns wants to marry me, I'll take ye to Jacksboro,' there ain't no harm in that. I can tell that big brute to go to Hell if she'll marry me. If we-uns can ever git to Jacksboro, the law-abidin' folks there won't let him take her away from me. I ain't no match fer a man so big as him but I ain't skeered on him. I ain't goin' to let her think I be skeered o' him."

He would have to try and avoid seeing Stone Daugherty. "Me alone with naught but him and arter he told me not to come nigh him. He'd be more'n likely to kick my guts out afore I could see him. He ain't one to give a man a show." He'd lie out and watch to find out if Stone Daugherty were away. "If hit come to a show, if I has ter do hit, I'll walk up to him and arst him fer her. I ain't a-goin' to let him take

my gun off o' me and I'll shoot him if I has to. I ain't no match fer him in a fight and I knows hit."

When John Semple reached the big shoals, he was at a stand-still. It was already long since dark but he had figured on that. The water leaped in two falls. He heard a steady roar and knew what they would be like long before he reached them—knew that there would be deep, still water beneath.

Whatever happened to him, he had to keep his rifle and his powder dry. His stick which he held carefully in front of him, did not touch bottom. He visualized in the darkness that, at the foot of the falls, there should be smooth, slippery rocks. Even if he swam, he could not climb them directly. Perhaps on both sides would be small cliffs. His only hope would be to leave the creek and make a wide detour.

Three times he tried it, making a greater arc each time. Three times his groping hands came to smooth walls of rock which he could not get up. Sweat poured from him and his breath came in gasps. The cliff in front of him was an animate object for which he held a personal hatred.

It would kill or be killed. He had forgotten everything except it. "By God, I'm goin' to git up ye. By God, I'm goin' to git up ye if hit kills me." There were thick masses of laurel and rhododendron shrubs of inconceivable stubbornness through which he dragged his body; vines that tore at his face.

He did it finally by digging his hands into the soft earth and by holding to the roots of trees and shrubs which he could not see in the black darkness. He lay flat on his face in a bed of sweet-smelling galax leaves, drawing his breath in slow, tortured gasps. He was above the shoals and he could hear their roar beneath him with a grim sort of satisfaction. "By God, I got ye." A personal enemy had been conquered. He took stock of himself. His gun was dry, his powder dry. He never thought of his hurts. With bloody hands he wiped the blood from his scratched face, with a surprise that there was no pain.

The sun had been down for two hours—three hours—he was not sure. He could only guess at that for the grayness which was all the daylight brought him had gradually faded into blackness. It had been an infinity of time since

he had left the Longs'. Somewhere, not far above the shoals was the Daugherty place. "Nigh to five minutes walk" as the Long young-un had told him. When he got back to the creek, which was far below him, it should not take him over half an hour unless he had bad luck. He would have to trust to the feel of things to tell him when he got to the clearing. There would be a lightness of air which one did not get in the deep woods. He would find him some place near the house and wait until morning. "If he be home and I go to the door in the night, or so much as hail, he'll hunt me down and kill me like I were a dog." He got up wearily and began his slow descent.

It was not hard to tell when he got to the clearing. He figured how fast the young-un would have walked it on the trail above him on the side of the mountain, and crept out of the creek bed, feeling with his hands. The trees were gone, he felt only stumps. There was faint odor of wood smoke and the crow of a rooster. The chickens would be kept at the back of the house. Patiently, he created for himself out of the black

darkness the "lay o' the land." The young-un had said there was a spring to the front of the house and there were trees and a thicket o' laurel. He visualized the house as being on the right and crept up the tiny branch which flowed from the spring. He even found the spring, found the path which led from it to the house.

John Semple first thought about hiding at the spring. "Hit's too fer from the house to hear words. I'll hear words if I can git clost. If he be in, he's bound to say word to Jane when it be day." He moved carefully along the path—stopped when it came to the clearing just in front of the house. A man can do better in the dark than he thinks. The house was not far in front of him. Human houses can even be smelled by a man who is half blind and who is moving in darkness. He would hide himself here. Blood dripped from his forehead where there was a gaping wound that he never felt. His clothes were almost torn from his body and it was cold. "By God, a man who was half blind could make five miles in the darkness. By God, if he waren't man enough to go up to the door and halloo,

by God, there warden't no man or no woman who could think him no coward and no weaklin'."

John Semple found him a thick clump of laurel. He crawled into it and lay down, his rifle still dry, by his side.

CHAPTER IV

Two o'clock and the moon was well up over the ridge back of the house of Stone Daugherty. In the pass at the head of the cove where feet had worn a dim trail, a man walked swiftly and silently. Out of a world of thirteen years ago, a lean, copper-colored Indian was coming to repay an old debt. His coming was timely, as if Stone Daugherty by his own drunken words had conjured him from the mists of the past. "I ain't got but two enemies." Both of them converging on a house that was occupied by Jane Daugherty, sound asleep while the fire-light waned and only a dull red smoulder showed where in the morning it could be rekindled.

An executioner. A shadow that had taken form from past years. A tale to be told to boys of the vengeance of a vanishing race. The world had softened, changed—already most of the men in this corner of a new state where white men dwelt in peace, tilling the soil, felling the forests, laughed at stories of the Indians to the southwest, thought only of themselves and of

their own troubles, their own happiness. They laughed at the "mouthings" of Stone Daugherty who drunkenly boasted of what he had done, of men who followed him—of an Indian who would shoot him in the back. A half-drunken dream even for Stone Daugherty, the saturnine, the powerful in vanished years.

Yet drunk or sober, memories of other days crept back at Stone Daugherty, for the chapters of human life have in them a thread which ties them together. The people of this world might sneer at him. "Stop that mouthin' about a Indian bein' arter ye. Ye air jest drunk and a lousy fool." What did they know about other chapters of his life? What did they know about the Cherokees or the Chickamaugas with whom he had traded? What did they, living in the midst of sheriffs and having court houses to settle their killings and hanging people, know how cheap life was? E' God, in the world that he had known, a man's life wasn't worth the powder and ball that it took to kill him. What did they know about Hixon and Powell, and that savage ring of nearly-forgotten faces—the sweep of a tomahawk in a late afternoon of spring, the

spatter of blood and brain? Picture book Indians, Hell! Stone Daugherty knew that somewhere far to the southwest the scattered bands of Cherokees hadn't forgotten that. He knew that unless he were dead, one young Indian who had seen his father bow his head before a whistling tomahawk, hadn't forgotten him—hadn't forgotten the tormenting pain that his hands had brought. "E' God, they didn't have guts enough to keep a hate in this country but they had to run to the courts to have a man choked to death."

An executioner slipping along a shadowed trail, as the moon dipped over the ridge back of Stone Daugherty's house.

It is the unimportant which may bring disaster, and no man can keep all threads tied in the pattern of his life.

A trader from Baltimore, talking to a prisoner in Jacksboro, "I trades in Chota. They ain't never forgot ye."

Stone Daugherty storming at him. "You get to the Hell out o' here, God damn ye."

The trader in distant Chota lounging in the company of the young bucks, eager to be

friendly with them, telling them that Stone Daugherty was being tried in Jacksboro far to the north.

A lone Indian slipping away, traveling by night, hiding himself, daring to talk only to one man who lived near the town of Jacksboro; speaking in broken English and saying that he had a message for Stone Daugherty if he were yet alive.

A shadow rising out of a closed chapter of Stone Daugherty's life, but a very real executioner slipping beneath dark trees. Stone Daugherty would have known him real.

The Indian stopped in the shelter of the woods at the edge of the field, taking careful stock of the ground. There was the house and it was occupied for there was faint breath of smoke.

He thought of Stone Daugherty as he would have thought of an animal in a cave. If one hid carefully in front of a cave or in front of a house where a man lived and was patient, ultimately the man like the animal would come out and could be shot. One might lose more time with men than with animals but if one had patience the human animal would come to the

front door. One must have patience—one must be very careful for human animals were of cunning, even greater than the bear or the fox. One must have patience to steal carefully through the darkness, must have patience and must have cunning to hide in front of the house, so that one could go back to a land of shadows with a scalp at the belt.

Near to daylight. In an hour, there would be the first streaks of red in the sky—squirrels would chatter in the trees, the world would be awake and to its food getting, fattening on the abundance of the fall harvest. A silent, still night, light wisps of fog drifting through Daugherty's cove. The soft patter of a fox's feet swept lightly past the house, vanishing into the silence toward the head of the clearing.

There was the shattering crack of a rifle from in front of the house—a second's pause and then another. From the vast depths of woods, as the last shouting echo died, a bobcat lifted its voice in defiant answer and the world was again still.

Jane Daugherty leaped from her bed. Her first thought—daylight and her father back.

Drunk, perhaps—he and the trapper Will Dodge, shooting in front of the house to frighten her. She put on her dress with shaking hands and went to the door. It was not to be opened until he called. She held her hand to the heavy wooden bar and waited.

Minutes passed and it was utterly still. It was dark inside the house with only a faint glow of light from the covered fire. There were no surly words, no hand to shake the door—only silence and her fear grew. There was silence even after the red streaks in the sky lost their brilliancy and turned to white wisps of cloud floating in clear blue.

A step at the back door. A quick step and a hand rattled the latch. "You, Jane." She opened it for her father who came in hastily. It was not like Stone Daugherty to come in the back door.

He crossed swiftly to the front of the house and felt of the bar, looking out toward the front. He turned to her. "I were lyin' out beyant the gap—sick o' them people in Jacksboro. I heered shootin' in the cove. Were hit here?" She

nodded, voiceless from fright of him and of his menace.

"Were hit ye done hit?" Stone Daugherty caught her arm with his hand so that she winced with pain, but always she found more courage when he made physical movement against her. It was better than the threat of his voice. "Hit were not."

"No lyin'. Do ye mind who hit were?"

"No."

"Where were hit?"

"To the front o' the house."

"Be there words? Ha' ye been called?"

He did not need to wait for her answer, for he read it in her eyes. "Two pieces which spoke, waren't they?" Again she nodded. He dropped her arm seeming to forget her altogether for a moment. When he did speak to her, his voice was low. "If I catch ye in a lie, I'll whale ye in a way to cure ye. Ye set here and keep the door shet till I tells ye to open." He went out of the back door.

Jane waited, looking out between the cracks of the logs. A clear, still morning of fall with

the leaves red from frost. Somewhere high in the blue sky, a red-tailed hawk whistled shrilly.

It was very still. After a long time, and she heard her father's harsh voice in the laurel scrub. "Ye murderin' son o' a bitch, I'll bash yer head in." It was an angry snarl. "Lyin' up with Jane, were ye?"

"I were arter ye." It was John Semple's voice, defiant, and even unafraid. "I'm still callin' ye woman-killer and liar to yer face."

Jane Daugherty opened the door with hands that were steady. Her eyes were unafraid as she ran into the laurel.

Leaning on his rifle, Stone Daugherty towered above John Semple who sat on the ground. Stone Daugherty watched Jane come through the laurel scrub and he smiled. "Here's yer John Semple come arter ye. Blind in one eye and a bullet through his leg. He ain't nothin' to lie down with now, air he? Not like he were when he were on the creek bank at Long's."

"And that's a lie," said John Semple, hotly. "I ain't never been skeered on ye."

Stone Daugherty walked over and sat on a log. "Tryin' to bait me into mashin' yer head,

air ye? Why don't ye go to yer lovin'? The ground's soft." He had no word from either of them. Jane moved over by John Semple and between him and Stone Daugherty; not yet had she had time for thought. There was silence while Stone Daugherty took a bottle from his pocket and drank from it. "The feller there beyant the pile o' bresh—the one ye blowed in two, ye ain't knowin' him, be ye?"

"I thought hit were you. He come in on top o' me."

"Tryin' to shoot me in the back, were ye?"

"It ain't fitten that a brute like ye live. I come arter Jane to marry her, if she'd have me. I'd as soon ha' kilt ye as not."

Stone Daugherty laughed scornfully. "And ye shot him. Hit's plain as day. Both on ye tryin' to git me. I thanks ye for that. I wouldn't ha' had no more chancet with that feller than a cooped up rabbit."

"Thank me for nothin'. I thought hit were you."

Stone Daugherty leaped to his feet. "Shet up." He held his rifle threateningly, "I'll bash yer brains out."

Jane spoke to him levelly. "He said he come arter me to marry me. I be goin' down to Will Long's, and he'll git men to take him home."

Her father turned on her in anger. "Hush yer mouth, ye slut. I ain't goin' to let ye marry no man that's laid out to kill me."

There was long silence. Of a sudden, Stone Daugherty broke into harsh laughter. "Why not? Hit would be the jedgment o' God." He took Semple's rifle which lay on the ground and broke it against a tree. "I been aimin' to take a trip fer a long spell—me and her. I reckon hit's time fer us to be a tellin' ye good-day, John Semple. Hit ain't fur—only five mile betwixt here and Will Long's placet. Ye might find hit a mite rough fer a half-blinded man with a leg that's broke. I'll shet the door so as if ye make hit to the house by crawlin', ye won't be able to git on the inside and we ain't figurin' on leaving no victuals. There ain't been no human in the cove for six months, onless they come with me."

John Semple's hand searched frantically over the ground. Stone Daugherty glared at him. "Still lookin' fer rocks, be ye? There ain't no

end to yer speerit fer killin' me." He turned savagely to Jane who was standing by John Semple. "Git to the house and git yer work done. We-uns will be out o' here in a hour."

The color came and went in her face. Words came to her with difficulty but she managed them. "I ain't goin'. There ain't nobody can look arter John Semple but me."

Stone Daugherty turned on her. "Ye leetle whelp. I'm tellin' ye to git to the house."

"I ain't goin'." She faced him with steady eyes. "I'm goin' arter Will Long, and John Semple's goin' to be toted out o' here."

"Ye move out o' this placet and I'll brain him. There ain't no jury in the world would let ye come into the court house. The son o' a bitch tried to shoot me. Ye ain't nothing but a proved liar and a slut." Stone Daugherty knew his words hurt her.

He could not break down her level eyes with words. "I ain't goin', and ye ain't goin' to tech him. I'm goin' arter Will Long. He said he wanted to marry me, and Will Long'll let him."

"Git to the house."

"I ain't."

Stone Daugherty leaned his rifle against the log and took out his heavy hunting knife. "I told ye to git to the house and I meant hit. If I ain't bruk ye, e' God, hit's more'n time. I'll whale ye right here a-fore him if I drags ye naked in front o' him. Ye'll never stand up agin me when I'm done with ye." He went to the end of the log, stooped and cut a heavy hickory, trimming the twigs from it with savage cuts. As he turned his back, Jane leaped for his flint-lock, drawing back the heavy hammer and going back to the side of John Semple, who watched her helplessly.

Stone Daugherty had ignored her movement but he was startled when he turned and found her with his own rifle. "Drop that rifle-gun, ye leetle slut."

"I ain't goin' to drop hit."

"Ye air!" his face had paled, but of a sudden, the blood rushed back into his eyes and rage shook him. "Ye dumb, lyin' slut. Ye ain't even got the guts to speak agin' me in court. If ye'd shoot me, the court would hang ye."

"I'll tell 'em that ye and him," her eyes flickered for a second to where a dead Indian lay

sprawled on his back, "kilt each other. John Semple says it ain't fitten that ye live. I ain't afeared to lie."

Stone Daugherty looked at her scornfully,—a child that he had whaled—who had never yet dared to meet his anger with a word—a child, standing by the side of a helpless man who could scarcely see her—a "peart young-un to work," in a torn homespun dress, a set to her mouth, eyes that were level and unafraid. He had beaten down that look in her before. Stone Daugherty raised the heavy stick and shook it. "Ye see this! I'm goin' to wear it out on ye, and a-fore him, in a way that I ain't never beat ye yit. I'm goin' to whale ye till ye can't walk and ye'll bleed from yer head to yer feet a-fore I'm done with ye." His eyes flared with anger as he started toward her.

The red-tailed hawk which had been sitting on the topmost limb of a tree, intent on watching for a young squirrel which flattened itself on the side of a limb beneath, raised itself aloft on frantic wing, at the sudden jarring crack of a rifle below.

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